

# CITY OF SANTA BARBARA CITY COUNCIL

**Helene Schneider**  
*Mayor*  
**Frank Hotchkiss**  
*Mayor Pro Tempore*  
**Grant House**  
*Ordinance Committee Chair*  
**Dale Francisco**  
*Finance Committee Chair*  
**Cathy Murillo**  
**Randy Rowse**  
**Bendy White**



**James L. Armstrong**  
*City Administrator*

**Stephen P. Wiley**  
*City Attorney*

**City Hall**  
735 Anacapa Street  
<http://www.SantaBarbaraCA.gov>

## JUNE 26, 2012 AGENDA

**ORDER OF BUSINESS:** Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council meeting begins at 2:00 p.m. in the Council Chamber at City Hall.

**REPORTS:** Copies of the reports relating to agenda items are available for review in the City Clerk's Office, at the Central Library, and <http://www.SantaBarbaraCA.gov>. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a "CAR") for that item from either the Clerk's Office, the Reference Desk at the City's Main Library, or online at the City's website (<http://www.SantaBarbaraCA.gov>). Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office located at City Hall, 735 Anacapa Street, Santa Barbara, CA 93101, during normal business hours.

**PUBLIC COMMENT:** At the beginning of the 2:00 p.m. session of each regular City Council meeting, and at the beginning of each special City Council meeting, any member of the public may address the City Council concerning any item not on the Council's agenda. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that public comment is taken up by the City Council. Should City Council business continue into the evening session of a regular City Council meeting at 6:00 p.m., the City Council will allow any member of the public who did not address them during the 2:00 p.m. session to do so. The total amount of time for public comments will be 15 minutes, and no individual speaker may speak for more than 1 minute. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond their jurisdiction.

**REQUEST TO SPEAK:** A member of the public may address the Finance or Ordinance Committee or City Council regarding any scheduled agenda item. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that the item is taken up by the Finance or Ordinance Committee or City Council.

**CONSENT CALENDAR:** The Consent Calendar is comprised of items that will not usually require discussion by the City Council. A Consent Calendar item is open for discussion by the City Council upon request of a Councilmember, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion. Should you wish to comment on an item listed on the Consent Agenda, after turning in your "Request to Speak" form, you should come forward to speak at the time the Council considers the Consent Calendar.

**AMERICANS WITH DISABILITIES ACT:** In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the City Administrator's Office at 564-5305 or inquire at the City Clerk's Office on the day of the meeting. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

**TELEVISION COVERAGE:** Each regular City Council meeting is broadcast live in English and Spanish on City TV Channel 18 and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at [www.citytv18.com](http://www.citytv18.com) for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

## **CALL TO ORDER**

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

## **CHANGES TO THE AGENDA**

## **PUBLIC COMMENT**

## **CONSENT CALENDAR**

### **1. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the regular meetings of May 22, June 5, and June 12, 2012.

### **2. Subject: Animal Control Shelter Services Agreement With The County Of Santa Barbara (520.05)**

Recommendation: That Council authorize the Chief of Police or his designee to execute an agreement with the County of Santa Barbara in the amount of \$288,121 to provide animal control shelter services from July 1, 2012 to June 30, 2013.

### **3. Subject: Downtown Organization Maintenance Agreement for Fiscal Year 2013 (530.04)**

Recommendation: That Council authorize the Parks and Recreation Director to execute an agreement in the amount of \$594,242 with the Downtown Organization (DO) for landscape maintenance, sidewalk cleaning, and general maintenance of the 00-1200 blocks of State Street from Victoria Street to Cabrillo Boulevard, including the 101 underpass and various cross streets, from July 1, 2012 through June 30, 2013.

## **CONSENT CALENDAR (CONT'D)**

**4. Subject: Rental Agreement For Hilda Ray House (570.05)**

Recommendation: That Council authorize the Parks and Recreation Director to enter into a one-year rental agreement with Tatum Marie Sarinana, for the Hilda Ray House at Hilda McIntyre Ray Park, commencing July 1, 2012 and ending June 30, 2013.

**5. Subject: Community Promotion Contract For The Santa Barbara Region Chamber Of Commerce To Support Operation Of The Visitor Information Center (180.01)**

Recommendation: That Council authorize the Finance Director to execute a Community Promotion contract with the Santa Barbara Region Chamber of Commerce in an amount of \$49,045 to support year-round expenses of the Visitor Information Center.

**6. Subject: Community Promotion Contract With Old Spanish Days (180.02)**

Recommendation: That Council authorize the Finance Director to execute a Community Promotion contract with Old Spanish Days in an amount of \$89,368 covering the period from July 1, 2012 to May 31, 2013.

**7. Subject: Community Promotion Contract With Santa Barbara International Film Festival (230.02)**

Recommendation: That Council authorize the Finance Director to execute a Community Promotion contract with Santa Barbara International Film Festival in an amount of \$49,464 covering the period from July 1, 2012 to June 30, 2013.

**8. Subject: Community Promotion Contract With The Santa Barbara Conference And Visitors Bureau And Film Commission (180.02)**

Recommendation: That Council authorize the Finance Director to execute the Fiscal Year 2013 Community Promotion contract with the Santa Barbara Conference and Visitors Bureau in an amount of \$1,349,535 for the term of July 1, 2012 through June 30, 2013.

## **CONSENT CALENDAR (CONT'D)**

**9. Subject: License Agreement With The Santa Barbara Swim Club (330.08)**

Recommendation: That Council authorize the Parks and Recreation Director to execute the renewal of a two-year license agreement with the Santa Barbara Swim Club for the use of Los Baños del Mar Swimming Pool.

**10. Subject: Approval Of Final Map And Execution Of Agreements For 34 West Victoria Street (640.08)**

Recommendation: That Council approve and authorize the City Administrator to execute and record Final Map Number 20,796 and standard agreements relating to the approved subdivision at 34 West Victoria Street, and authorize the City Engineer to record a recital document stating that the public improvements have been completed, and that the previously recorded Land Development Agreement may be removed from the title document after the public improvements are complete.

**11. Subject: California State Coastal Conservancy Grant Of \$200,000 For The Lower Mesa Lane Stairs Replacement Project (570.05)**

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the City Administrator to Enter into a Grant Agreement Between the City and the California State Coastal Conservancy for the Lower Mesa Lane Steps Replacement Project; and
- B. Increase estimated revenues and appropriations by \$200,000 in the Fiscal Year 2013 Capital Outlay Fund.

**12. Subject: Contract For Construction Of The Zone 5 Pavement Preparation Project (530.04)**

Recommendation: That Council:

- A. Award a contract to Granite Construction Company, in its low bid amount of \$839,944, for construction of the Zone 5 Pavement Preparation, Bid No. 3655;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$67,196 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- C. Authorize the Public Works Director to execute a contract with Flowers & Associates, Inc., in the amount of \$103,380 for construction support services, and approve expenditures of up to \$10,338 for extra services of Flowers & Associates, Inc., that may result from necessary changes in the scope of work.



## **CONSENT CALENDAR (CONT'D)**

### **13. Subject: Contract For Construction For Zone 5 Slurry Seal Project (530.04)**

Recommendation: That Council:

- A. Award a contract to Pavement Coatings Co., waiving minor bid irregularities, in its low bid amount of \$1,193,544 for construction of the Zone 5 Slurry Seal Project, Bid No. 3656;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$95,484 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- C. Authorize the Public Works Director to execute a contract with Flowers & Associates in the amount of \$165,410 for construction support services, and approve expenditures of up to \$16,541 for extra services that may result from necessary changes in the scope of work;
- D. Accept funding in the total amount of \$17,958 from NextG Networks, Inc., for costs associated with slurry sealing; and
- E. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2012 Streets Capital Fund by \$17,958 for the Zone 5 Slurry Seal Project.

### **14. Subject: Contract For Design For The Fiscal Year 2013 Pavement Maintenance Project (530.04)**

Recommendation: That Council:

- A. Approve the selection of Flowers & Associates, Inc., to provide professional engineering design and construction management services for the annual Pavement Maintenance Project scheduled for Fiscal Years 2013 through 2015; and
- B. Authorize the Public Works Director to execute a City Professional Services contract with Flowers & Associates, Inc., in the amount of \$80,479 for design services for the Fiscal Year 2013 Pavement Maintenance Project, and authorize the Public Works Director to approve expenditures of up to \$8,048 for extra services that may result from necessary changes in the scope of work.

### **15. Subject: Execution Of Agreement With The Santa Barbara Metropolitan Transit District For Transit Services (150.05)**

Recommendation: That Council authorize the Public Works Director to execute a one-year agreement for Fiscal Year 2013 with the Santa Barbara Metropolitan Transit District, in a form acceptable to the City Attorney, for transit services in an amount not to exceed \$1,188,180.

## **CONSENT CALENDAR (CONT'D)**

### **16. Subject: Statement Of Investment Policy And Delegation Of Investment Authority for Fiscal Year 2013 (260.01)**

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Investment Policy for the City and Rescinding Resolution No. 11-043; and
- B. Authorize the City Administrator/City Clerk/City Treasurer to invest or reinvest funds, or to sell or exchange securities so purchased for the City of Santa Barbara and the City of Santa Barbara acting as the Redevelopment Successor Agency, for Fiscal Year 2013.

### **17. Subject: May 2012 Investment Report (260.02)**

Recommendation: That Council accept the May 2012 Investment Report.

## **NOTICES**

- 18. The City Clerk has on Thursday, June 21, 2012, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

**This concludes the Consent Calendar.**

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### **POLICE DEPARTMENT**

### **19. Subject: Police Department Update (520.04)**

Recommendation: That Council receive an oral presentation from the Police Chief regarding the Santa Barbara Police Department.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### **PUBLIC WORKS DEPARTMENT**

#### **20. Subject: Hearing To Vacate The Portion Of Ealand Place Most Severely Damaged By The Conejo Area Landslide (640.04)**

Recommendation: That Council:

- A. Hear all persons interested in or objecting to the proposed non-summary vacation and abandonment of the portion of Ealand Place most severely damaged by the Conejo area landslide; and
- B. Find that the subject portion of Ealand Place is not necessary for present or prospective public street purposes, and that it is in the public interest to vacate the subject portion of Ealand Place, and adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara, California, Ordering the Non-Summary Vacation and Abandonment of the Portion of Ealand Place Most Severely Damaged by the Conejo Area Landslide Within the City Limits of Said City, and Providing for the Recordation of This Resolution.

### **PUBLIC HEARINGS**

#### **21. Subject: Appeal Of Planning Commission Decision For 1085 Coast Village Road (640.07)**

Recommendation: That Council:

- A. Hear the appeal of Douglas Fell and amend the Planning Commission's approval of the proposed Coastal Development Permit, Conditional Use Permit for Automobile Service Station with mini-market, Conditional Use Permit for a Carwash and Auto Detail operation, and a Modification located at 1085 Coast Village Road; and
- B. Uphold the appeal, and approve the project, making the findings and with the conditions as outlined in Planning Commission Resolution No. 006-12, deleting Condition D.2.b.

### **MAYOR AND COUNCIL REPORTS**

#### **22. Subject: Appointments To City Advisory Groups (140.05)**

Recommendation: That Council make appointments to the City's Advisory Groups.

### **COUNCIL AND STAFF COMMUNICATIONS**

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### **CLOSED SESSIONS**

#### **23. Subject: Conference With Labor Negotiator (440.05)**

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the City's General bargaining unit and the Police Management Association, and regarding discussions with certain unrepresented managers about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

### **ADJOURNMENT**



# **CITY OF SANTA BARBARA**

## **CITY COUNCIL MINUTES**

### **REGULAR MEETING**

**May 22, 2012**

### **COUNCIL CHAMBER, 735 ANACAPA STREET**

---

#### **CALL TO ORDER**

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Finance Committee met at 11:00 a.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

#### **PLEDGE OF ALLEGIANCE**

Mayor Schneider.

#### **ROLL CALL**

Councilmembers present: Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: Dale Francisco.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Sarah Fox.

#### **CEREMONIAL ITEMS**

1. Subject: Proclamation Declaring May 20-26, 2012, As National Public Works Week (120.04)

Action: Proclamation presented to City of Santa Barbara Public Works Director Christine Andersen.

Councilmember Francisco entered the meeting at 2:05 p.m.

#### **COUNCIL AND STAFF COMMUNICATIONS**

Mayor Schneider introduced the new City of Santa Barbara City Clerk Services Manager, Gwen Peirce.

#### **PUBLIC COMMENT**

Speakers: TV Santa Barbara Board President Candi Corbani and Executive Director Matt Schuster; David D. Diaz; Laura Goe; Robert Burke.

## ITEMS REMOVED FROM CONSENT CALENDAR

Councilmember White stated that he would not vote on the following item due to a conflict of interest related to his spouse's membership on the board for Art From Scrap.

**8. Subject: Youth Watershed Education Program Contract With Art From Scrap (540.14)**

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director, or designee, to execute a 12-month professional services contract with Art From Scrap in the amount of \$57,724.60 in Measure B funds, for the provision of Creeks Program youth and community watershed education programs in Fiscal Year 2013; and
- B. Authorize the Parks and Recreation Director, or designee, to execute annual professional services contracts, in a form acceptable to the City Attorney, with Art From Scrap for Fiscal Years 2014 and 2015, in an amount not to exceed \$60,000 per year.

Documents:

May 22, 2012, report from the Parks and Recreation Director.

Motion:

Councilmembers Rowse/Hotchkiss to approve the recommendations; Contract Nos. 24,131 – 24,133.

Vote:

Unanimous voice vote (Abstention: Councilmember White).

Councilmembers Hotchkiss and White stated they would not vote on the following item due to conflicts of interest related to their ownership of, or residence at, properties located within the subject assessment district.

**15. Subject: Set A Date For Public Hearing Regarding Renewal Of Levy For Fiscal Year 2013 For The Wildland Fire Suppression Assessment (290.00)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring its Intention to Renew the Wildland Fire Suppression Assessment Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Preliminarily Approving the Updated Engineer's Report; Stating Intention to Levy Assessments for Fiscal Year 2012-2013; and Establishing a Time of 2:00 P.M. on Tuesday, June 5, 2012, in the City Council Chambers for a Public Hearing on the Wildland Fire Suppression Assessment.

(Cont'd)

**15. (Cont'd)**

Documents:

- May 22, 2012, report from the Fire Chief.
- Proposed Resolution.
- May 2012 Preliminary Engineer's Report by SCI Consulting Group.

The title of the resolution was read.

Motion:

Councilmembers House/Francisco to approve the recommendation;  
Resolution No. 12-031.

Vote:

Unanimous roll call vote (Abstentions: Councilmembers Hotchkiss,  
White).

Councilmember Rowse stated that he would not vote on the following item due to a conflict of interest related to his ownership of a business located within the subject assessment district.

**16. Subject: Parking And Business Improvement Area Annual Assessment Report For Fiscal Year 2013 - Intention To Levy (550.10)**

Recommendation: That Council:

- A. Approve the Parking and Business Improvement Area Annual Assessment Report for Fiscal Year 2013; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Council's Intention to Levy Parking and Business Improvement Area Assessment Rates for Fiscal Year 2013 at a Public Hearing to be Held on June 19, 2012, at 2:00 p.m.

Documents:

- May 22, 2012, report from the Public Works Director.
- Proposed Resolution.

The title of the resolution was read.

Motion:

Councilmembers White/Francisco to approve the recommendations;  
Resolution No. 12-032.

Vote:

Unanimous roll call vote (Abstention: Councilmember Rowse).

## **CONSENT CALENDAR (Item Nos. 2 – 7, 9 – 14 and 17 – 21)**

The titles of the resolutions related to Consent Calendar items were read.

Motion:

Councilmembers Hotchkiss/White to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

### **CITY COUNCIL**

#### **2. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the special meeting of April 23, 2012, the regular meeting of April 24, 2012, the special meeting of April 26, 2012, the regular meeting of May 1, 2012, and the special meeting of May 2, 2012.

Action: Approved the recommendation.

#### **3. Subject: Records Destruction For Administrative Services Department (160.06)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Administrative Services Department in the City Clerk's Office and Human Resources Division.

Action: Approved the recommendation; Resolution No. 12-028 (May 22, 2012, report from the Assistant City Administrator/Administrative Services Director; proposed resolution).

#### **4. Subject: April 2012 Investment Report (260.02)**

Recommendation: That Council accept the April 2012 Investment Report.

Action: Approved the recommendation (May 22, 2012, report from the Finance Director).



**5. Subject: Acceptance Of Easements For Waterline Construction In Sycamore Vista And Canon View Roads (330.03)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting Easements for the Construction, Use and Maintenance of Public Waterlines, and for All Necessary Appurtenances, Including Any Necessary Water Service Connections, and for All Related Purposes on Portions of Certain Real Properties Commonly Known as 557, 570, 575, 585, 595, and 598 Sycamore Vista Road; 151 and 161 Sierra Vista Road; and 62, 85, 125, 150, and 155 Canon View Road.

Action: Approved the recommendation; Resolution No. 12-029; Deed Nos. 61-370 – 61-383 (May 22, 2012, report from the Public Works Director; proposed resolution).

**6. Subject: Contract For Construction Of The Sycamore Vista Waterline Project (540.06)**

Recommendation: That Council:

- A. Award a contract with Lash Construction, Inc., waiving minor irregularities, in its low bid amount of \$312,266, for construction of the Sycamore Vista Waterline Project, Bid No. 5034;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$46,840 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- C. Authorize the Public Works Director to execute a contract with Penfield & Smith in the amount of \$128,770 for construction management support services, including materials testing, and approve expenditures up to \$12,877 for extra services of Penfield & Smith that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 24,128 and 24,129 (May 22, 2012, report from the Public Works Director).

**7. Subject: Contract For Professional Services Involving Right-Of-Way Acquisition And Relocation Assistance For The Mason Street Bridge Replacement Project (330.03)**

Recommendation: That Council authorize the Public Works Director to execute a Professional Services Contract with Hamner, Jewell & Associates in the amount of \$71,500, for right-of-way acquisition and relocation assistance services for the Mason Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$7,150 for extra services of Hamner, Jewell & Associates that may result from necessary changes in the scope of work.

**7. (Cont'd)**

Speaker:

Staff: Principal Civil Engineer John Ewasiuk.

Action: Approved the recommendation; Contract No. 24,130 (May 22, 2012, report from the Public Works Director)

**9. Subject: Professional Services Agreement For Safety Element Update (650.06)**

Recommendation: That Council authorize the Assistant City Administrator to execute a Professional Services Agreement with Rodriguez Consulting, Inc., in the amount of \$101,171 (including up to \$9,197 in contingency funds for extra services if deemed necessary) for preparation of the General Plan Safety Element update.

Action: Approved the recommendation; Agreement No. 24,134 (May 22, 2012, report from the Assistant City Administrator/Community Development Director).

**10. Subject: Appropriation Of Federal Asset Forfeiture Funds To The Investigative Division For Radio Purchase (520.04)**

Recommendation: That Council appropriate \$11,000 in Federal Asset Forfeiture Funds in the Police Asset Forfeiture Fund from available reserves for purchase of radios to be installed in surveillance vehicles.

Action: Approved the recommendation (May 22, 2012, report from the Chief of Police).

**11. Subject: Approval Of Airport Sewer System Management Plan (560.01)**

Recommendation: That Council approve the Airport Sewer System Management Plan and authorize the Airport Operations Manager, as the City's authorized representative, to file a Notice of Completion with the State Water Resources Control Board.

Action: Approved the recommendation (May 22, 2012, report from the Airport Director).

**12. Subject: Challenge Cost Share Agreement With The United States Department Of Agriculture, Forest Service Los Padres National Forest And Acceptance Of Santa Barbara County Contribution For The Front Country Trails Program (150.01)**

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to enter into a Five-Year Challenge Cost Share Agreement with the United States Department of Agriculture (USDA), Forest Service Los Padres National Forest for implementation of the Front Country Trails Program;
- B. Accept a contribution from the Santa Barbara County Community Services Department in the amount of \$10,000 for the Front Country Trails Program;
- C. Transfer \$10,000 from the Parks and Recreation Department's Fiscal Year 2012 Operating Budget from existing appropriations available from savings in the Department to the Fiscal Year 2012 Miscellaneous Grants Fund; and
- D. Increase revenues and appropriations by \$30,000 in the Parks and Recreation Department's Fiscal Year 2012 Miscellaneous Grants Fund for the Front Country Trails Program, funded from \$10,000 in contributions each from the Parks and Recreation Department, the Santa Barbara County Community Services Department, and the Forest Service, whose \$10,000 contribution will be paid on a reimbursement basis.

Action: Approved the recommendations; Agreement No. 24,135 (May 22, 2012, report from the Parks and Recreation Director).

**13. Subject: Parma Park Trust Funds For The Maintenance Of Parma Park (570.05)**

Recommendation: That Council increase appropriations and estimated revenues by \$74,859 in the Parks and Recreation Department Fiscal Year 2012 Miscellaneous Grants Fund for maintenance of Parma Park funded from a donation from the Parma Park Trust.

Action: Approved the recommendation (May 22, 2012, report from the Parks and Recreation Director).

**14. Subject: Revised 2011 Housing Element (650.06)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving a Revised 2011 General Plan Housing Element Incorporating Revisions to the Needs Assessment, Constraints, and Suitable Sites Inventory Chapters as Requested by the California Department of Housing and Community Development.

Speakers:

Staff: Principal Planner John Ledbetter.

(Cont'd)

**14. (Cont'd)**

Action: Approved the recommendation; Resolution No. 12-030 (May 22, 2012, report from the Assistant City Administrator/Community Development Director; proposed resolution; affidavit of publication).

**17. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board Of Review Approval For 336 N. Milpas Street (640.07)**

Recommendation: That Council:

- A. Set the date of June 19, 2012, at 2:00 p.m. for hearing the appeal filed by Tony Fischer, Attorney representing the Mary Z. Frangos Trust, of the Architectural Board of Review's approval decision involving an application for property owned by Fresh & Easy Neighborhood Market and located at 336 N. Milpas Street, Assessor's Parcel No. 031-371-021, C-2 Commercial Zone, General Plan Designation: General Commerce. The Board approved Review After Final revisions to the project under construction for the as-built relocation of perimeter site walls and an associated reduction in landscaping planting area, as well as a waiver to provide less than the required depth of perimeter planters; and
- B. Set the date of June 18, 2012, at 1:30 p.m. for a site visit to the property located at 336 N. Milpas Street.

Action: Approved the recommendations (April 26, 2012, letter of appeal).

**SUCCESSOR AGENCY**

**18. Subject: Response To Grand Jury Report Regarding "Requiem for Redevelopment" (150.04)**

Recommendation: That Council, acting as the Successor Agency to the City of Santa Barbara Redevelopment Agency, review and approve a draft letter in response to the findings and recommendations of the 2011-2012 Santa Barbara County Civil Grand Jury report titled, "Requiem for Redevelopment: The Life and Death of Redevelopment Agencies in Santa Barbara County," and authorize the City Administrator to sign the response letter and forward it to the Presiding Judge.

Action: Approved the recommendation (May 22, 2012, report from the Housing and Redevelopment Manager).

**NOTICES**

- 19. The City Clerk has on Thursday, May 17, 2012, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
- 20. Cancellation of the regular City Council meeting of May 29, 2012.

21. On June 26, 2012, at 2:00 p.m. in the Council Chambers at Santa Barbara City Hall, as part of the regularly scheduled council meeting, City Council shall by its own initiative hear evidence of all interested parties pertaining to the non-summary vacation of a small portion of Ealand Place (near the end of the cul de sac at 17 and 22 Ealand Place), a public street. The vacation proceedings shall be conducted in accordance with the California Streets & Highways Code, Division 9, Part 3, Chapter 3 (General Vacation Procedure).

This concluded the Consent Calendar.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dale Francisco reported that the Committee made a recommendation to Council to approve staff-recommended adjustments to fees, revenues and appropriations related to Fiscal Year 2013 budget. The Committee also heard reports on the funding of infrastructure and capital maintenance and on reserve balances and policies. A final report regarding reserves will be presented to the Committee at a future meeting.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### CITY ADMINISTRATOR

**22. Subject: Proposition 29 - State Ballot Initiative That Imposes Additional Tax On Cigarettes For Cancer Research (160.02)**

Recommendation: That Council consider taking a position on Proposition 29, which will impose an additional five cent tax on each cigarette distributed (\$1.00 per pack), and an equivalent tax increase on other tobacco products, to fund cancer research and other specified purposes.

**Documents:**

- May 22, 2012, report from the City Administrator.
- PowerPoint presentation prepared and made by the Coalition Engaged in a Smoke-Free Effort (CEASE).

**Speakers:**

- Staff: Assistant to the City Administrator Nina Johnson, City Administrator James Armstrong.
- Members of the Public: Jayne Brechwald, Co-Chair of CEASE; Kate Hanna, Lucille Ramirez, and Sharon Bifano, representing the American Cancer Society; Don Goldberg, CEASE.

**Motion:**

Councilmembers Murillo/House that Council take a position of support for Proposition 29.

**Vote:**

Majority roll call vote (Noes: Councilmembers Francisco, Hotchkiss, Rowse).

## COMMUNITY DEVELOPMENT DEPARTMENT

### **23. Subject: Loan To Habitat For Humanity For New Affordable Housing Project At 822-824 East Canon Perdido (660.04)**

Recommendation: That Council:

- A. Approve a \$515,000 loan of federal HOME funds to Habitat for Humanity for the construction of twelve new residential ownership units affordable to low income persons located at 822-824 East Canon Perdido; and
- B. Authorize the Assistant City Administrator to execute a loan agreement and related documents and make nonsubstantive changes with approval by the City Attorney.

Documents:

- May 22, 2012, report from the Assistant City Administrator/Community Development Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Community Development Programs Supervisor Deirdre Randolph, Project Planner Simon Kiefer.
- Habitat for Humanity of Southern Santa Barbara County: Director of Operations Jon Peterson.

Motion:

Councilmembers White/Rowse to approve the recommendations;  
Agreement No. 24,136.

Vote:

Unanimous vote.

## FINANCE DEPARTMENT

### **24. Subject: Single-Use Bag Ordinance (630.01)**

Recommendation: That Council:

- A. Review the draft Single-Use Bag Ordinance as referred to the Council by the Ordinance Committee on April 24, 2012; and
- B. Consider declaring the draft ordinance as a project for the purposes of environmental review and as a possible "model" suggested ordinance to be considered and possibly adopted by other BEACON cities and counties with BEACON staff overseeing the CEQA environmental review process.

Documents:

- May 22, 2012, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

(Cont'd)

## 24. (Cont'd)

### Speakers:

- Staff: City Attorney Stephen Wiley, Environmental Services Manager Matt Fore, Finance Director Robert Samario.
- Members of the Public: Brian Brennan, Executive Director of Beach Erosion Authority for Clean Oceans and Nourishment (BEACON); Sarah Sheehy, California Grocers Association; Bill Hickman, Surfrider Foundation; Kathi King, Community Environmental Council; Jill Cloutier, South Coast Watershed Resource Center; Kellam de Forest; Molly McDonough; Penny Owens, Santa Barbara Channelkeeper; Scott Bull, Santa Barbara Surfrider; Ally Gialketsis, Isla Vista Surfrider; Maya J. Kasberg; Wilson Sherman; Karly Lazarus.

### Motion:

Councilmembers House/Murillo to: 1) approve recommendation B, including the following changes to the draft ordinance:

- Section 9.150.010.D: "...derived from either sources such as petroleum, natural gas or a biologically-based sources such as corn or other plant sources,..." and
- Section 9.150.020.A: "No store shall provide ~~to~~ any customer with a plastic carryout bag."; and

2) encourage Staff to assist in the administrative enforcement of the ordinance, in particular, the effects on smaller grocers and avoiding the distribution of multi-use bags as a form of single-use bag.

### Vote:

Majority voice vote (Noes: Councilmember Hotchkiss)

## COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

### Information:

- Councilmember Murillo reported on her attendance at the following events: 1) Santa Barbara Youth Council meeting; 2) the Santa Barbara Cottage Hospital neighborhood meeting; 3) the Mesa Village meeting; and 4) the Harvey Milk event hosted by the Santa Barbara Equality Project.
- Councilmember White reported on the proceedings of the Water Commission's May meeting where the issue of discontinuing the blending of potable water with reclaimed water was discussed.
- Councilmember Hotchkiss reported on his attendance at the meetings of the Santa Barbara Cottage Hospital neighborhood and the Santa Barbara American Institute of Architects.
- Mayor Schneider reported on her attendance at the Santa Barbara County Association of Governments meeting, and at the Contractor's Association event regarding the emPowerSBC program developed by the County for low interest loans to homeowners to make energy-efficient home upgrades.

## RECESS

Mayor Schneider recessed the meeting at 4:27 p.m. in order for Council to reconvene in closed session for Agenda Item Nos. 25 and 26; no reportable action is anticipated.

## CLOSED SESSIONS

### **25. Subject: Conference With Legal Counsel - Pending Litigation (160.03)**

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is a workers' compensation claim: Janet Sackett v. City of Santa Barbara, Case Number ADJ3865678.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

May 22, 2012, report from the Finance Director.

Time:

4:30 p.m. - 4:35 p.m.

No report made.

### **26. Subject: Conference With Labor Negotiator (440.05)**

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the City's General bargaining unit, the Supervisory bargaining unit, the Police Officers Association, and the Police Management Association, and regarding discussions with confidential City employees and unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 45 minutes; anytime

Report: None anticipated

Documents:

May 22, 2012, report from the Assistant City Administrator/Administrative Services Director.

Time:

4:35 p.m. - 4:45 p.m.

No report made.



## **RECESS**

4:45 p.m. - 5:57 p.m.

Mayor Pro Tempore Hotchkiss presiding.

Councilmembers present: House, Murillo, Rowse, White, Mayor Pro Tempore Hotchkiss.

Councilmembers absent: Francisco, Mayor Schneider.

Staff present: City Administrator Armstrong, City Attorney Wiley, Deputy City Clerk Fox.

## **PUBLIC COMMENT**

No one wished to speak.

Councilmember Francisco entered the meeting at 5:59 p.m.

## **MAYOR AND COUNCIL REPORTS**

### **27. Subject: Interviews For City Advisory Groups (140.05)**

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to June 5, and June 12, 2012.

Documents:

May 22, 2012, report from the Assistant City Administrator/Administrative Services Director.

Speakers:

The following applicants were interviewed:

Community Development and Human Services Committee:

Jacqueline Duran

Steven B. Faulstich

Community Events and Festivals Committee:

Laura McIver

Housing Authority Commission:

Robert Burke

Library Board:

Jonathan R. Glasoe

Lucille Teresa Boss Ramirez

Christine Roberts

Patricia E. Ruth

Neighborhood Advisory Council:

Joseph A. Rution

Rental Housing Mediation Task Force:

Jacqueline Duran

Silvio DiLoreto

By consensus, the Council continued the interviews to June 5, 2012.

**ADJOURNMENT**

Mayor Pro Tempore Hotchkiss adjourned the meeting at 6:33 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

ATTEST:

\_\_\_\_\_  
HELENE SCHNEIDER  
MAYOR

\_\_\_\_\_  
SARH FOX  
DEPUTY CITY CLERK

\_\_\_\_\_  
FRANK HOTCHKISS  
MAYOR PRO TEMPORE



# **CITY OF SANTA BARBARA**

## **CITY COUNCIL MINUTES**

### **REGULAR MEETING**

**June 5, 2012**

### **COUNCIL CHAMBER, 735 ANACAPA STREET**

---

#### **CALL TO ORDER**

Mayor Helene Schneider called the meeting to order at 2:00 p.m. (The Finance Committee met at 12:30 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

#### **PLEDGE OF ALLEGIANCE**

Mayor Schneider.

#### **ROLL CALL**

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House (2:01), Cathy Murillo, Randy Rowse, Mayor Schneider.

Councilmembers absent: Bendy White.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Brenda Alcazar.

#### **CEREMONIAL ITEMS**

1. Subject: Employee Recognition - Service Award Pins (410.01)

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through June 30, 2012.

Document:

June 5, 2012 report from the Assistant City Administrator/Administrative Services Director.

Speakers:

Staff: City Administrator James Armstrong, Award Recipient Keith Kapuy.

(Cont'd)

1. (Cont'd)

By consensus, the Council approved the recommendation. The following employees were recognized:

5-Year Pin

Tava Ostrenger, Deputy City Attorney, City Attorney's Office  
Elva De La Torre, Planning Technician, Community Development Department  
Charles Katsapis, Police Officer, Police Department  
Brian Larson, Police Officer, Police Department  
Michael Little, Police Officer, Police Department  
Darla Reader, Police Officer, Police Department  
Aaron Tudor, Police Officer, Police Department  
Timothy Downey, Urban Forest Superintendent, Parks and Recreation Department

10-Year Pin

Jo Anne La Conte, Assistant Planner, Community Development Department  
Jeffrey Deforest, Police Officer, Police Department  
John Bacon, Police Officer, Police Department  
Lorena Renteria, Public Safety Dispatch Supervisor, Police Department  
Rickey Callahan, Airport Patrol Officer, Airport Department

15-Year Pin

John Mead, Grounds Maintenance Crew Leader, Parks and Recreation Department  
Steven Takaya, Parks Supervisor, Parks and Recreation Department

20-Year Pin

Lori Pedersen, Administrative Analyst I, City Administrator's Office

25-Year Pin

Matthew Grul, Automotive Service Writer, Public Works Department  
Keith Kapuy, Laboratory Analyst Coordinator, Public Works Department

**PUBLIC COMMENT**

Speakers: Michael Jordan, Cruzito Cruz.

Councilmember White entered the meeting at 2:11 p.m.

**CONSENT CALENDAR (Item Nos. 2 - 8)**

Motion:

Councilmembers Hotchkiss/Murillo to approve the Consent Calendar as recommended.

Vote:

Unanimous voice vote.

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meetings of May 9 and May 14, 2012, the regular meeting of May 15, 2012, and the special meeting of May 21, 2012.

Action: Approved the recommendation.

3. Subject: Agreement With Easy Lift Transportation, Incorporated, For Paratransit Services (510.04)

Recommendation: That Council authorize the Public Works Director to execute an Agreement with Easy Lift Transportation, Incorporated, for paratransit services for the elderly and mobility-impaired, in an amount not to exceed \$229,416.73 for Fiscal Year 2013.

Action: Approved the recommendation; Agreement No. 24,142 (June 5, 2012 report from the Public Works Director).

4. Subject: Service Agreement With Thresholds To Recovery, Inc., To Operate Sobering Center (520.04)

Recommendation: That Council approve and authorize the Chief of Police to negotiate and execute a Service Agreement with Thresholds to Recovery, Inc., in a form approved by the City Attorney, to operate the Sobering Center in Fiscal Year 2013, beginning July 1, 2012, and ending June 30, 2013, with annual fees not to exceed \$196,920.

Action: Approved the recommendation; Agreement No. 24,143 (June 5, 2012 report from the Chief of Police).

5. Subject: Approval Of Parcel Map And Execution Of Agreements For 1550 And 1600 West Mountain Drive (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,800 and standard agreements relating to the approved subdivision at 1550 and 1600 West Mountain Drive.

Action: Approved the recommendation; Agreement Nos. 24,144 and 24,145 (June 5, 2012 report from the Public Works Director).

6. Subject: License Agreement For Use Of The Unused Portion Of Chapala Street For Temporary Valet Parking (330.08)

Recommendation: That Council authorize the Public Works Director to execute a License Agreement with the Santa Barbara Beach House Hotel, L.P., in a form of agreement approved by the City Attorney, for use of the unused portion of Chapala Street for temporary valet hotel parking.

Action: Approved the recommendation; Agreement No. 24,146 (June 5, 2012 report from the Public Works Director).

7. Subject: Contract For Influent Flow Monitoring And Sampling Services At El Estero Wastewater Treatment Plant (540.13)

Recommendation: That Council authorize the Public Works Director to execute a contract with V&A Consulting Engineers, Inc., in the amount of \$213,400 for flow monitoring and sampling services for the El Estero Wastewater Treatment Plant, and authorize the Public Works Director to approve expenditures of up to \$21,340 for extra services of V&A Consulting Engineers, Inc., that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 24,147 (June 5, 2012 report from the Public Works Director).

## NOTICES

8. The City Clerk has on Thursday, May 31, 2012, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

This concluded the Consent Calendar.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dale Francisco reported that the Committee met to discuss a proposed loan modification for the Bradley Studios Project; the Committee approved the forwarding of the recommendation to the full Council at a later date.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### **CITY ADMINISTRATOR**

#### **9. Subject: 2012 Legislative Platform (160.02)**

Recommendation: That Council:

- A. Adopt the 2012 Legislative Platform that guides the City's support or opposition to state and federal legislation; and
- B. Authorize the Mayor, Councilmembers, and staff, on behalf of the City of Santa Barbara, to contact state and federal representatives to advocate for legislation consistent with the goals of the Legislative Platform.

Documents:

- June 5, 2012 report from the City Administrator.
- June 5, 2012 PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: City Administrator James Armstrong, Assistant to the City Administrator Nina Johnson, Employee Relations Manager Kristy Schmidt, Assistant City Administrator/Community Development Director Paul Casey.
- Members of the Public: Filiberto Nolasco, UAW Local 2865.

Motion:

Councilmembers House/White to approve the section of the Legislative Platform related to the Public Employees' Retirement System.

Vote:

Majority voice vote (Noes: Councilmember Murillo).

Motion:

Councilmembers House/Hotchkiss to approve the remainder of the Legislative Platform as presented, with the following change to proposed new text on page 10: Support legislation that builds trust between law enforcement agencies and the communities they serve, including the immigrant community, to ensure that individuals can safely report crimes and fully cooperate with local police and Sheriff's departments.

Vote:

Unanimous voice vote.

10. Subject: Introduction Of Ordinance For Supervisors Memorandum Of Understanding (MOU), Management Salary Plans, And Cancellation Of Fiscal Year 2012 Furlough Deductions For Certain Employee Groups (440.02)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the 2012-2013 Supervisors MOU; Adopting the 2012-2013 Management Salary Plans for Unrepresented Non-Safety Managers, Including the City Administrator and the City Attorney, and for Certain Unrepresented Safety Managers; and Cancelling Three Pay Periods of Fiscal Year 2012 Furlough Deductions for these Supervisors and Managers, and for Confidential Employees.

Documents:

- June 5, 2012 report from the Assistant City Administrator/Administrative Services Director.
- Proposed Ordinance.
- June 5, 2012 PowerPoint presentation prepared and made by Staff.

The title of the ordinance was read.

Speakers:

Staff: Employee Relations Manager Kristy Schmidt.

Motion:

Councilmembers White/Francisco to approve the recommendation.

Vote:

Unanimous voice vote.

## COMMUNITY DEVELOPMENT DEPARTMENT

11. Subject: Grants For Rental Assistance (660.04)

Recommendation: That Council approve three grants totaling \$585,000 in federal HOME Investment Partnerships Program funds to establish rental assistance programs targeted to homeless persons and to persons in danger of becoming homeless: one grant to the Housing Authority of the City of Santa Barbara for \$300,000, one grant to Transition House for \$150,000, and one grant to Casa Esperanza for \$135,000, and authorize the Assistant City Administrator to execute subrecipient agreements and make non-substantive changes in a form approved by the City Attorney.

Documents:

June 5, 2012 report from the Assistant City Administrator/Community Development Director.

(Cont'd)



11. (Cont'd)

Speakers:

Staff: Administrative Services Manager Susan Gray, Project Planner  
Simon Kiefer.

Motion:

Councilmembers White/House to approve the recommendation;  
Agreement Nos. 24,153 – 24,155.

Vote:

Unanimous voice vote.

FIRE DEPARTMENT

12. Subject: Renewal Of Levy For Fiscal Year 2013 For The Wildland Fire  
Suppression Assessment District (290.00)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Continue Vegetation Road Clearance, Implementation of a Defensible Space Inspection and Assistance Program, and Implementation of a Vegetation Management Program Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Approving the Engineer's Report; Confirming Diagram and Assessment; and Ordering Continuation of the Wildland Fire Suppression Assessment District for Fiscal Year 2012-13.

Councilmembers Hotchkiss and White, and City Attorney Wiley stated that because they reside/own property in the area of the assessment district, they would not participate in the discussion of this item, and they left the meeting at 3:25 p.m. Assistant City Attorney Sarah Knecht took Mr. Wiley's place.

Documents:

- June 5, 2012 report from the Fire Chief.
- Proposed Resolution.
- Affidavit of Publication.
- June 5, 2012 PowerPoint presentation prepared and made by Staff.

The title of the resolution was read.

Public Comment Opened:

3:25 p.m.

(Cont'd)

12. (Cont'd)

Speakers:

Staff: Fire Prevention Division Chief Joe Poire, Fire Services Specialist Amber Anderson.

Public Comment Closed:

3:36 p.m.

Motion:

Councilmembers House/Rowse to approve the recommendation;  
Resolution No. 12-033.

Vote:

Unanimous roll call vote (Absent: Councilmembers Hotchkiss, White).

**RECESS**

Mayor Schneider recessed the meeting at 3:38 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 14 and said that no reportable action is anticipated.

**CLOSED SESSIONS**

14. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the City's General bargaining unit, the City's Supervisory bargaining unit, the SBPD Police Officers Association, and the SBPD Police Management Association, and regarding discussions with confidential City employees and unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 45 minutes; anytime

Report: None anticipated

Documents:

June 5, 2012 report from the Assistant City Administrator/Administrative Services Director.

Time:

3:41 p.m. - 3:45 p.m. All Councilmembers were present.

No report made.

## RECESS

3:45 p.m. - 4:00 p.m. Councilmember House was absent when the Council reconvened.

## MAYOR AND COUNCIL REPORTS

13. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to June 12, 2012.  
(Estimated Time: 4:00 p.m.; Continued from May 22, 2012, Agenda Item No. 27)

Councilmember House returned to the meeting at 4:02 p.m.

### Speakers:

The following applicants were interviewed:

Community Development & Human Services Committee:

Dale Fathe-Aazam

Community Events & Festivals Committee:

Bob Burnham

Housing Authority Commission:

Mary Johnston

Neighborhood Advisory Committee:

Jacques Habra

Santa Barbara Youth Council:

Amber Rowley

Single Family Design Board:

Jaime Pierce

Transportation and Circulation Committee:

Bob Burnham

Water Commission:

- Megan Birney
- Gabe Dominocielo

By consensus, the interviews were continued to June 12, 2012.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### **Information:**

- Councilmember Hotchkiss said he had participated in the following events: 1) an art show at Phoenix House; and 2) community cleanup at Ortega Park (along with Councilmember House).
- Councilmember Murillo spoke about her attendance at: 1) the Youth Council Year-End Dinner; 2) Coastal Housing Partnership Housing Conference; and 3) the Brawlin' Betties Roller Derby match.
- Councilmember White said he also attended the community cleanup and housing conference, and he reported on the recent Planning Commission meeting.
- Councilmember Rowse reported on his attendance at the Government Relations Committee meeting.
- Mayor Schneider spoke about the passing of former County Supervisor Naomi Schwartz and her accomplishments.

## **ADJOURNMENT**

Mayor Schneider adjourned the meeting at 4:32 p.m. in honor and memory of former County Supervisor Naomi Schwartz.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

_____	ATTEST: _____
HELENE SCHNEIDER	BRENDA ALCAZAR, CMC
MAYOR	DEPUTY CITY CLERK



# **CITY OF SANTA BARBARA CITY COUNCIL MINUTES**

## **REGULAR MEETING June 12, 2012 COUNCIL CHAMBER, 735 ANACAPA STREET**

---

### **CALL TO ORDER**

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Finance Committee met at 12:30 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

### **PLEDGE OF ALLEGIANCE**

Mayor Schneider.

### **ROLL CALL**

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Brenda Alcazar.

### **PUBLIC COMMENT**

Speakers: Ruth Wilson, Angela Bell, Robert Burke, Nancy Tunnell, Phil Walker, Dr. Edo McGowan.

### **CONSENT CALENDAR (Item Nos. 1 - 10)**

The titles of the ordinance and resolution related to the Consent Calendar were read.

Motion:

Councilmembers House/Rowse to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of May 8, 2012, and the regular meeting of May 29, 2012 (cancelled).

Action: Approved the recommendation.

2. Subject: Contract For Water And Wastewater Rate Review And Revenue Plans (540.11)

Recommendation: That Council authorize the Public Works Director to negotiate and execute a contract, in a form acceptable to the City Attorney, with Raftelis Financial Consultants, Inc., in an amount not to exceed \$100,000 to provide a cost of service analysis for the City of Santa Barbara water and wastewater rates and to develop a ten-year revenue plan.

Speakers:

Member of the Public: Phil Walker.

Action: Approved the recommendation; Contract No. 24,150 (June 12, 2012 report from the Public Works Director).

3. Subject: Ratification Of The Cachuma Conservation Release Board Fiscal Year 2013 Budget (540.03)

Recommendation: That Council ratify the Fiscal Year 2013 Cachuma Conservation Release Board budget in the amount of \$643,511, with an estimated City share of \$263,043.

Action: Approved the recommendation (June 12, 2012 report from the Public Works Director).

4. Subject: Appropriation Of Highway Bridge Program Funding For The Right-Of-Way Phase Of The Chapala Street Bridge Replacement Project (530.04)

Recommendation: That Council:

- A. Accept Federal Highway Administration Highway Bridge Program Grant funding in the total amount of \$291,450 for the Right-of-Way Phase of the Chapala Street Bridge Replacement Project; and
- B. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2012 Streets Grants Capital Fund by \$291,450 for the Chapala Street Bridge Replacement Project.

Action: Approved the recommendations (June 12, 2012 report from the Public Works Director).

5. Subject: Adoption Of Ordinance For Supervisors Memorandum Of Understanding (MOU), Management Salary Plans, And Cancellation of FY 2012 Furlough Deductions For Certain Employee Groups (440.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the 2012-2013 Supervisors MOU; Adopting the 2012-2013 Management Salary Plans for Unrepresented Non-Safety Managers, Including the City Administrator and the City Attorney, and for Certain Unrepresented Safety Managers; and Cancelling Three Pay Periods of Fiscal Year 2012 Furlough Deductions for These Supervisors and Managers, and for Confidential Employees.

Action: Approved the recommendation; Ordinance No. 5587; Agreement No. 24,151 (proposed ordinance).

6. Subject: Fiscal Year 2012 Interim Financial Statements For The Ten Months Ended April 30, 2012 (250.02)

Recommendation: That Council accept the Fiscal Year 2012 Interim Financial Statements For The Ten Months Ended April 30, 2012.

Action: Approved the recommendation (June 12, 2012 report from the Finance Director).

7. Subject: TEFRA Hearing For Housing Authority Bond Issuance (660.04)

Recommendation: That Council:

- A. Hold a public hearing with respect to the proposed issuance by the Housing Authority of the City of Santa Barbara ("Housing Authority") of debt obligations in an amount of approximately \$23,000,000 ("Bonds"); and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Incurring of Tax Exempt Obligations by the Housing Authority of the City of Santa Barbara for the Purpose of Providing Financing for the Acquisition and Rehabilitation of SHIFCO and Villa La Cumbre Senior Rental Housing Facilities.

Public Comment Opened:  
2:14 p.m.

Speakers:

- Staff: Project Planner Simon Kiefer.
- Housing Authority of the City of Santa Barbara: Deputy Executive Director Rob Fredericks.

(Cont'd)

7. (Cont'd)

Public Comment Closed:  
2:19 p.m.

Action: Approved recommendation B; Resolution No. 12-034 (June 12, 2012, report from the Assistant City Administrator/Community Development Director; proposed resolution; affidavit of publication).

8. Subject: Amendment To Housing Authority Loan For Bradley Studios Project (660.01)

Recommendation: That Council authorize the Assistant City Administrator to negotiate and, subject to approval by the City Attorney, to execute an amendment to a loan agreement entered in June 2008 between the Redevelopment Agency (Agency) and City of Santa Barbara Housing Authority (Housing Authority).

Action: Approved the recommendation; Agreement No. 529.1 (June 12, 2012 report from the Assistant City Administrator/Community Development Director).

NOTICES

9. The City Clerk has on Thursday, June 7, 2012, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
10. A City Council site visit is scheduled on Monday, June 18, 2012, at 1:30 p.m. to the property located at 336 N. Milpas Street, which is the subject of an appeal hearing set for June 19, 2012, at 2:00 p.m.

This concluded the Consent Calendar.

**REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dale Francisco reported that the Committee finalized the proposed revisions to the City's Reserve Policies, which will be forwarded to the Council at a future meeting.



## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### **PUBLIC WORKS DEPARTMENT**

#### **11. Subject: Public Hearing Regarding Proposed City Utility Rate Increases (540.01)**

Recommendation: That Council:

- A. Hold a public hearing, as required by State law, regarding proposed utility rate increases for water, wastewater and solid waste collection services for Fiscal Year 2013; and
- B. Provide direction to staff regarding any changes to the proposed Fiscal Year 2013 utility rates.

Documents:

- June 12, 2012 joint report from the Public Works Director and Finance Director.
- June 12, 2012 PowerPoint presentations prepared and made by Staff.
- April 6, 2012 letter from Susie Tomlinson.
- April 10, 2012 letter from Thomas Modugno.
- April 15, 2012 letter from Bret Sean Bretz.
- April 16, 2012 letter from John M. Maraldo.
- April 17, 2012 letter from Yolanda Yfuralde.
- April 18, 2012 letters from Anna Matau and John M. Maraldo.
- April 19, 2012 letter from Frances L. Green.
- April 21, 2012 letter from N. and R. Jaffe.
- April 25, 2012 letter from Robert Allbright.
- April 28, 2012 letter from J. LaTorre.
- May 6, 2012 letter from John A. and Shirley B. Hutchings.
- May 8, 2012 letter from Bret Sean Bretz.
- May 9, 2012 letter from Diane Grant.
- May 20, 2012 letter from Alice H. Gerety.
- May 24, 2012 letter from Gloria Buczek.
- June 4, 2012 letter from Michael R. Thompson.
- June 6, 2012 email from Greg Helms.
- June 8, 2012 letter from Margaret Carswell.
- Undated letters from Liz Young, Rebecca Buel, Valiant Group, and Douglas Furse.
- June 12, 2012 written comments submitted by Steven Little, President of Westwood Hills Avocado Alliance.

Public Comment Opened:  
2:21 p.m.

Speakers:

- Staff: Water Resources Manager Rebecca Bjork, Environmental Services Manager Matthew Fore, Water Resources Supervisor Alison Jordan, Finance Director Robert Samario.

(Cont'd)

11. (Cont'd)

Speakers (Cont'd):

- Members of the Public: Bonnie Raisin; Kira Redmond and Marc Brody, Santa Barbara ChannelKeeper; Venessa Kay; Owen Lincoln; Dr. Edo McGowan; Steve Little, Westwood Hills Avocado Alliance; Margaret Carswell; Kalia Rork; Clair Fachler; Hillary Hauser, Heal the Ocean; R. Wade.

Public Comment Closed:  
3:45 p.m.

Motion:

Councilmembers House/Murillo to approve the recommended utility rate increases, with the exception of the agriculture irrigation rate increases.

Vote:

Unanimous voice vote.

12. Subject: Lower Mission Creek Flood Control Project Update (530.03)

Recommendation: That Council receive a status update on the Lower Mission Creek Flood Control Project.

Documents:

- June 12, 2012 report from the Public Works Director.
- June 12, 2012 PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Assistant Public Works Director/City Engineer Pat Kelly.
- County of Santa Barbara: Deputy Public Works Director Tom Fayram.

By consensus, the Council received the status report.

**MAYOR AND COUNCIL REPORTS**

13. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council hold interviews of applicants to various City Advisory Groups.

(Estimated Time: 4:00 p.m.; Continued from June 5, 2012, Agenda Item No. 13)

Speakers:

The following applicants were interviewed:  
Central Coast Commission for Senior Citizens:  
Brenda Powell

(Cont'd)

13. (Cont'd)

Speakers (Cont'd):

Community Events & Festivals Committee:

- Rebekah Altman
- Charles Huff

Fire and Police Pension Commission:

Luis Esparza

Housing Authority Commission:

- Sarah Maria Anthony
- Geoff Green

Measure P Committee:

Luis Esparza

Neighborhood Advisory Council:

- Roane Akchurin
- Mari Mender
- Ed Cavazos

Parks and Recreation Commission:

- Charles Huff
- Charmaine Jacobs
- Christina Gonzalez
- Megan Alley (Diaz)

Rental Housing Mediation Task Force:

Charles V. Eckert

Santa Barbara Youth Council:

- Sami Soto
- Naomi Zamudio
- Rocio Pacheco Garcia

Single Family Design Board:

Lisa James

Transportation and Circulation Committee:

- Jonathan H. Ziegler
- Kathleen Rodriguez
- Daniel Ramirez

Water Commission:

Luis Esparza

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Information:

- Councilmember Murillo mentioned her attendance at the First Annual Babatunde Folayemi Visual and Performing Arts Festival.
- Councilmember White reported on his attendance at the Water Commission meeting.
- Mayor Schneider said she attended a meeting at the County regarding the proposed Resource Recovery Project at Tajiguas Landfill.
- Councilmember Hotchkiss spoke briefly about the new Courthouse clock and fountain.

## RECESS

Mayor Schneider recessed the meeting at 5:27 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 14 and 15, and said that no reportable action is anticipated.

## CLOSED SESSIONS

### 14. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is a workers' compensation claim: Russell Alfino v. City of Santa Barbara, WCAB case number ADJ8059798.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

June 12, 2012 report from the Finance Director.

Time:

5:30 p.m. - 5:35 p.m.

No report made.

### 15. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the City's General bargaining unit, the Police Management Association, and regarding discussions with certain unrepresented managers about salaries and fringe benefits.

Scheduling: Duration, 45 minutes; anytime

Report: None anticipated

Documents:

June 12, 2012 report from the Assistant City Administrator/Administrative Services Director.

Time:

5:35 p.m. - 6:20 p.m.

No report made.

## **ADJOURNMENT**

Mayor Schneider adjourned the meeting at 6:20 p.m. in memory of former City Councilmember Sidney Smith.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

_____	ATTEST: _____
HELENE SCHNEIDER	BRENDA ALCAZAR, CMC
MAYOR	DEPUTY CITY CLERK



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** Administrative Services, Police Department

**SUBJECT:** Animal Control Shelter Services Agreement With The County  
Of Santa Barbara

### **RECOMMENDATION:**

That Council authorize the Chief of Police or his designee to execute an agreement with the County of Santa Barbara in the amount of \$288,121 to provide animal control shelter services from July 1, 2012 to June 30, 2013.

### **DISCUSSION:**

Since March 1980, the City has contracted with the County of Santa Barbara for Animal Control shelter services at the County facility located at 5473 Overpass Road in Goleta. At the beginning of Fiscal Year 2008, the County changed from a pay-for-service basis to a cost per capita basis, significantly increasing costs for all incorporated cities in the County. Currently the City of Santa Barbara and City of Carpinteria pay for shelter services only. All other incorporated cities in the County pay for full service animal control on a per capita cost basis.

The Santa Barbara Police Department currently pays Santa Barbara County approximately \$274,401 per year for shelter services. The new proposed per capita fees for services rendered between July 1, 2012 and June 30, 2013 will be \$288,121, billed in four equal quarterly payments of \$72,030. Invoices will also include a fee of \$182 for each rabies specimen submitted during the quarter.

The current agreement with Santa Barbara County will expire on June 30, 2012. Based on the analysis completed by staff, this agreement and the new fee structure are appropriate and consistent with charges for animal control services in neighboring counties.

**BUDGET/FINANCIAL INFORMATION:**

The Police Department included \$279,844 for these services in the Fiscal Year 2013 adopted budget, assuming a 2% increase. The County of Santa Barbara raised the rates by 5%. The additional increase of \$8,277 will be absorbed by decreased spending in other animal control related accounts.

**PREPARED BY:** Marylinda Arroyo, Sergeant

**SUBMITTED BY:** Cam Sanchez, Police Chief

**APPROVED BY:** City Administrator's Office



# **CITY OF SANTA BARBARA**

## **COUNCIL AGENDA REPORT**

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** Parks Division, Parks and Recreation Department

**SUBJECT:** Downtown Organization Maintenance Agreement for Fiscal Year 2013

**RECOMMENDATION:**

That Council authorize the Parks and Recreation Director to execute an agreement in the amount of \$594,242 with the Downtown Organization (DO) for landscape maintenance, sidewalk cleaning, and general maintenance of the 00-1200 blocks of State Street from Victoria Street to Cabrillo Boulevard, including the 101 underpass and various cross streets from July 1, 2012, through June 30, 2013.

**DISCUSSION:**

At the beginning of each fiscal year, the City of Santa Barbara contracts with the DO to provide landscape maintenance, sidewalk cleaning, and general maintenance of the 00-1200 blocks of State Street and many of the cross streets between Chapala and Anacapa Streets. The primary purpose of the contract is to maintain State Street in a clean, neat, and attractive condition. Services provided by the DO include:

- Landscape maintenance and plant installation in accordance with State Street Maintenance Guidelines;
- Trash and litter removal from sidewalks and planter areas;
- Sidewalk washing using a water recovery system;
- Cleaning and painting of all vertical surfaces of kiosks, planters, fountains, electrical boxes;
- Cleaning and maintenance of drinking and decorative fountains; cleaning of drinking fountains;
- Trash and litter removal from sidewalks on the Paseo between Marshalls and the Fiesta Five movie theater;
- Repair of vandalized or broken irrigation system components; and
- Trash and litter removal from sidewalks and planters at Storke Placita.

Contract funding and services provided remain the same as Fiscal Year 2012.



**BUDGET/FINANCIAL INFORMATION:**

Funding for this contract, in the amount of \$594,242, is included in the Parks and Recreation Department Fiscal Year 2013 budget. The Downtown Parking Program will provide \$297,121 toward the contract. The remaining amount is funded by the General Fund.

**SUSTAINABILITY IMPACT:**

Landscape maintenance on State Street is consistent with the City's Integrated Pest Management strategy. The DO uses hand weeding and mulch in the landscaped planters to control weeds. These methods help the City of Santa Barbara achieve its sustainability goals.

**PREPARED BY:** Santos M. Escobar, Parks Manager

**SUBMITTED BY:** Nancy L. Rapp, Parks and Recreation Director

**APPROVED BY:** City Administrator's Office



# **CITY OF SANTA BARBARA**

## **COUNCIL AGENDA REPORT**

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** Administration Division, Parks and Recreation Department

**SUBJECT:** Rental Agreement For Hilda Ray House

### **RECOMMENDATION:**

That Council authorize the Parks and Recreation Director to enter into a one-year rental agreement with Tatum Marie Sarinana, for the Hilda Ray House at Hilda McIntyre Ray Park, commencing July 1, 2012, and ending June 30, 2013.

### **DISCUSSION:**

The house at Hilda McIntyre Ray Park was rehabilitated in 1995 using Housing Rehabilitation Loan Program funds, establishing the house as low-income housing. The two- bedroom, one-bath house became available for rent after the last tenant vacated the property in August 2004. The house underwent repairs and some minor improvements. The Parks and Recreation Department developed a process in December 2005 to advertise and select a tenant for the house. The house was made available to all who met the Federal income requirements. A committee consisting of the Parks and Recreation Business Manager, Parks and Recreation Community Services Supervisor, and Community Development Department Housing Programs Specialist reviewed all applications received. Ms. Tatum Marie Sarinana was selected. Ms. Sarinana and her two children currently reside in the house.

Ms. Sarinana will be responsible to pay monthly rent of \$1,294 and maintain the house and yard. There are no duties assigned to the tenant as would be associated with a park caretaker; this arrangement is strictly a rental agreement.

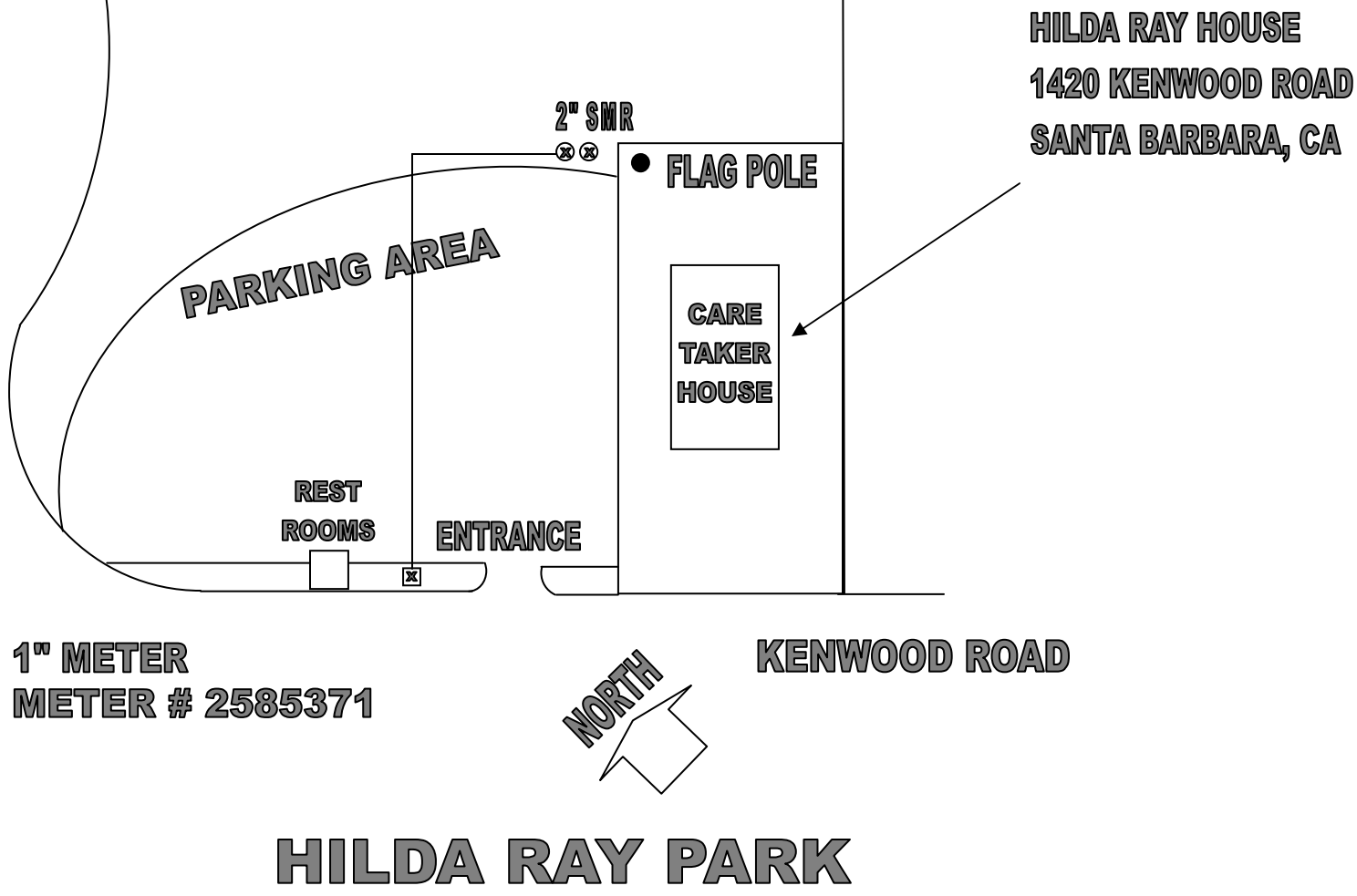
### **BUDGET/FINANCIAL INFORMATION:**

The rent for the house is \$1,294 per month. The funds are used to repay the Federal loan and a portion goes into a reserve account to pay for maintenance and repair of the house. There is no fiscal impact to the Parks and Recreation Department budget for maintenance of this residence.

**PREPARED BY:** Jill E. Zachary, Assistant Parks and Recreation Director

**SUBMITTED BY:** Nancy L. Rapp, Parks and Recreation Director

**APPROVED BY:** City Administrator's Office



LESSEE'S OBLIGATION FOR NON-DISCRIMINATION CERTIFICATE  
(Santa Barbara Municipal Code Section 9.130.020)

I. Certificate Generally.

Consistent with a policy of non-discrimination in the use of real or personal property owned by the City of Santa Barbara a "lessee's obligation for non-discrimination certificate", as hereinafter set forth shall be attached and incorporated by reference as an indispensable and integral term of all leases of City owned real or personal property.

II. Contents of Certificate.

The "lessee's obligation for non-discrimination" is as follows:

(a) Lessee in the use of the property which is the subject of this lease or in the operations to be conducted pursuant to the provisions of this lease, will not discriminate or permit discrimination against any person or class of persons by reason of race, creed, color, national origin, ancestry, sexual orientation, political affiliation or beliefs, sex, age, physical handicap, medical condition, marital status or pregnancy (as those terms are defined by the California Fair Employment and Housing Act -- Government Code Sections 12900 - 12996) except where such discrimination is related to bona fide occupational qualification.

(b) Lessee shall furnish its accommodations and services on a fair, equal and non-discriminatory basis to all users thereof and lessee shall only charge fair, reasonable and non-discriminatory prices for each unit of service.

Lessee may make reasonable and non-discriminatory rebates, discounts or other similar price reductions to volume purchasers to the extent permitted by law.

(c) Lessee shall make its accommodations and services available to the public on fair and reasonable terms without discrimination on the basis of race, creed, color, national origin, ancestry, sexual orientation, political affiliation or beliefs, sex, age, physical handicap, medical condition, marital status or pregnancy (as those terms are defined by the California Fair Employment and Housing Act -- Government Code Sections 12900 - 12996) except where such discrimination is related to bona fide occupational qualification.

(d) Lessee shall not discriminate or allow discrimination either directly or indirectly, in hiring or employing persons to work on the leased premises.

(e) Lessee agrees that it shall insert the above articles in any agreement by which said Lessee transfers any interest herein or grants a right or privilege to any person, firm or corporation to use the leased premises or to render accommodations and services to the public on the leased premises.

(f) Non-compliance with provisions (a), (b), (c), (d), and (e) above shall constitute a material breach hereof and in addition to any other remedies provided by law or this lease, in the event of such non-compliance the Lessor shall have the right to terminate this lease and the interest hereby created without liability therefor, or at the election of the Lessor, the Lessor shall have the right to enforce judicially said provisions (a), (b), (c), (d), and (e).

In the event the Lessee is found to have failed to comply with the provisions of articles (a), (b), (c), (d), and (e) and notwithstanding any other remedy pursued by Lessor, the Lessee shall pay to the Lessor the sum of \$25.00 per day for each incident of a failure to comply.



# **CITY OF SANTA BARBARA**

## **COUNCIL AGENDA REPORT**

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** Administration Division, Finance Department

**SUBJECT:** Community Promotion Contract For The Santa Barbara Region Chamber Of Commerce To Support Operation Of The Visitor Information Center

### **RECOMMENDATION:**

That Council authorize the Finance Director to execute a Community Promotion contract with the Santa Barbara Region Chamber of Commerce in an amount of \$49,045 to support year-round expenses of the Visitor Information Center.

### **DISCUSSION:**

The Fiscal Year 2013 Budget includes \$49,045 in the General Fund Community Promotion Program for the Santa Barbara Region Chamber of Commerce to operate a Visitor Information Center. This contract will help support year-round salary and benefit expenses, telephone services and office supplies. The term of the contract commences on August 1, 2012 and terminates on July 31, 2013.

**PREPARED BY:** Jennifer Hopwood, Executive Assistant

**SUBMITTED BY:** Robert Samario, Finance Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** Administration Division, Finance Department

**SUBJECT:** Community Promotion Contract With Old Spanish Days

### RECOMMENDATION:

That Council authorize the Finance Director to execute a Community Promotion contract with Old Spanish Days in an amount of \$89,368 covering the period from July 1, 2012 to May 31, 2013.

### DISCUSSION:

The Fiscal Year 2013 budget includes \$89,368 in the Community Promotion Program for the Old Spanish Days organization. Promotion funding will be used for organizing, promoting, and sponsoring the community celebration of Fiesta, as well as help supporting year-round administrative expenses, which include insurance, printing, postage, utilities, and accounting services. The funds will cover janitorial service for cleaning, trash pick-up, and portable toilets at the two "Mercados" and power-washing of the De la Guerra Mercado area. Community Promotion funds will also partially cover promotional costs for posters and brochures. The term of the contract extends over the period of July 1, 2012 through May 31, 2013.

**PREPARED BY:** Jennifer Hopwood, Executive Assistant

**SUBMITTED BY:** Robert Samario, Finance Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** Administration Division, Finance Department

**SUBJECT:** Community Promotion Contract With Santa Barbara International Film Festival

### RECOMMENDATION:

That Council authorize the Finance Director to execute a Community Promotion contract with Santa Barbara International Film Festival in an amount of \$49,464 covering the period from July 1, 2012 to June 30, 2013.

### DISCUSSION:

The Fiscal Year 2013 budget includes \$49,464 in the Community Promotion Program for the Santa Barbara International Film Festival (SBIFF). Promotion funding will be used for administration and promotion of the Film Festival. The term of the contract extends over the period of July 1, 2012 through June 30, 2013.

**PREPARED BY:** Jennifer Hopwood, Executive Assistant

**SUBMITTED BY:** Robert Samario, Finance Director

**APPROVED BY:** City Administrator's Office





# **CITY OF SANTA BARBARA**

## **COUNCIL AGENDA REPORT**

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** Administration Division, Finance Department

**SUBJECT:** Community Promotion Contract With The Santa Barbara Conference  
And Visitors Bureau And Film Commission

### **RECOMMENDATION:**

That Council authorize the Finance Director to execute the Fiscal Year 2013 Community Promotion contract with the Santa Barbara Conference and Visitors Bureau in an amount of \$1,349,535 for the term of July 1, 2012 through June 30, 2013.

### **DISCUSSION:**

The adopted Fiscal Year 2013 budget includes \$1,349,535 in community promotion funding for the Santa Barbara Conference and Visitors Bureau and Film Commission. The term of the contract covers the period of July 1, 2012 through June 30, 2013.

This contract will help support the expenses of administration, advertising, consumer and trade information services, public relations, sales, and the Film Commission.

**PREPARED BY:** Jennifer Hopwood, Executive Assistant

**SUBMITTED BY:** Robert Samario, Finance Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** Recreation Division, Parks and Recreation Department

**SUBJECT:** License Agreement With The Santa Barbara Swim Club

### **RECOMMENDATION:**

That Council authorize the Parks and Recreation Director to execute the renewal of a two-year license agreement with the Santa Barbara Swim Club for the use of Los Baños del Mar Swimming Pool.

### **DISCUSSION:**

The Santa Barbara Swim Club (SBSC) is responsible for age group and masters' competitive swimming at the Los Baños del Mar facility, including program decisions and implementation, fee collection, memberships, registration, and contracting with a head swim coach.

The proposed license agreement permits the SBSC to retain the current hourly use of the facility for workouts, swim meets, and clinics, and provides for monthly payments to the City. The monthly license fee payment is based on SBSC paying an hourly rate of \$22 per hour of use and includes charging a per square foot lease rate of \$1.17 for office space in the facility. The monthly fee was determined after surveying other aquatic facilities in the Tri-County area, and the square-foot office fee is consistent with the Parks and Recreation Department Fees and Charges schedule for non-profit office rental fees. As with previous agreements, the proposed agreement includes in-kind compensation which requires SBSC to provide ongoing pool cover repairs and replacement of the swim equipment used by all pool users during Fiscal Year 2013 and Fiscal Year 2014 at a cost not to exceed \$6,500. These in-kind requirements will benefit all pool users while providing budget savings to the Department.

This new license agreement includes a five percent increase in fees. Monthly payments in the Fiscal Year 2012 were \$3,586, with the City receiving a total of \$43,036 for the entire year. The proposed agreement requires a monthly payment of \$3,768 in Fiscal Year 2013, for an annual total of \$45,214, not including the savings from in-kind contributions. The license fee for Fiscal Year 2014 will be subject to a rate increase equal to the annual percentage change in the Consumers Price Index, ensuring that it will be the same or greater than the license fee paid in Fiscal Year 2013.

The proposed license agreement continues to stipulate that only SBSC members will be allowed in the pool during Club hours. SBSC provides facility supervision including certified lifeguards to meet the California State Health and Safety Code. The agreement also contains a condition that SBSC, at its option, will be able to use coaches as lifeguards, or staff who function only as lifeguards. In either situation, State Code requirements must be met. During its exclusive use of the facility, SBSC is responsible for emergency response procedures for its membership.

This agreement is for a two-year period, ending June 30, 2014.

**BUDGET/FINANCIAL INFORMATION:**

The revenue from this agreement is budgeted for Fiscal Year 2013 in the Parks and Recreation General Fund.

**PREPARED BY:** Rich Hanna, Senior Recreation Supervisor

**SUBMITTED BY:** Nancy L. Rapp, Parks and Recreation Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Approval Of Final Map And Execution Of Agreements For 34 West Victoria Street

### RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Final Map Number 20,796 and standard agreements relating to the approved subdivision at 34 West Victoria Street, and authorize the City Engineer to record a recital document stating that the public improvements have been completed, and that the previously recorded Land Development Agreement may be removed from the title document after the public improvements are complete.

### DISCUSSION:

A Tentative Map for the subdivision located at the intersection of West Victoria and Chapala Streets (Attachment 1), was conditionally approved on April 12, 2010, by adoption of the Planning Commission (PC) Conditions of Approval, Resolution Number 009-10 (Attachment 2). On April 27, 2011, planning staff issued a Substantial Conformance Determination (SCD) to approve a change to the total amount of square footage of the commercial portion of this project. The project involves redevelopment of the former Von's grocery store site, located at the intersection of West Victoria and Chapala Streets, for a new mixed-use development of retail space and 37 residential condominium units above an underground parking garage. Vehicular access to the site will be from Chapala Street. Staff has reviewed the Final Map (Map) Number 20,796 and has found it to be in substantial compliance with the previously approved Tentative Map, the Conditions of Approval, the State Subdivision Map Act, and the City's Subdivision Ordinance.

In accordance with the PC Conditions of approval, the Owner(s) (Attachment 3) have signed and submitted the Map and the required Agreements to the City, tracked under Public Works Permit Number PBW2011-00244 and PBW2011-00479. Council approval is required if Council agrees with the staff determination that the Map conforms to all of the requirements of the Subdivision Map Act and the Municipal Code applicable at the time of the approval of the Tentative Map (Municipal Code, Chapter 27.09.060, City Council Action).

Staff recommends that Council authorize the City Administrator to execute the required *Agreement Relating to Subdivision Map Conditions Imposed on Real Property* and the *Agreement for Land Development Improvements*.

The *Agreement Assigning Water Extraction Rights* does not require Council approval, and will be signed by the Public Works Director in accordance with City Council Resolution Number 02-131.

**THE FINAL MAP IS AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE.**

**ATTACHMENT(S):** 1. Vicinity Map  
2. Conditions required to be recorded concurrent with Final Map Number 20,796 by the Planning Commission Conditions of Approval Resolution Number 009-10  
3. List of Owners/Trustees

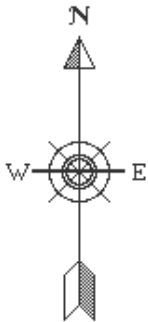
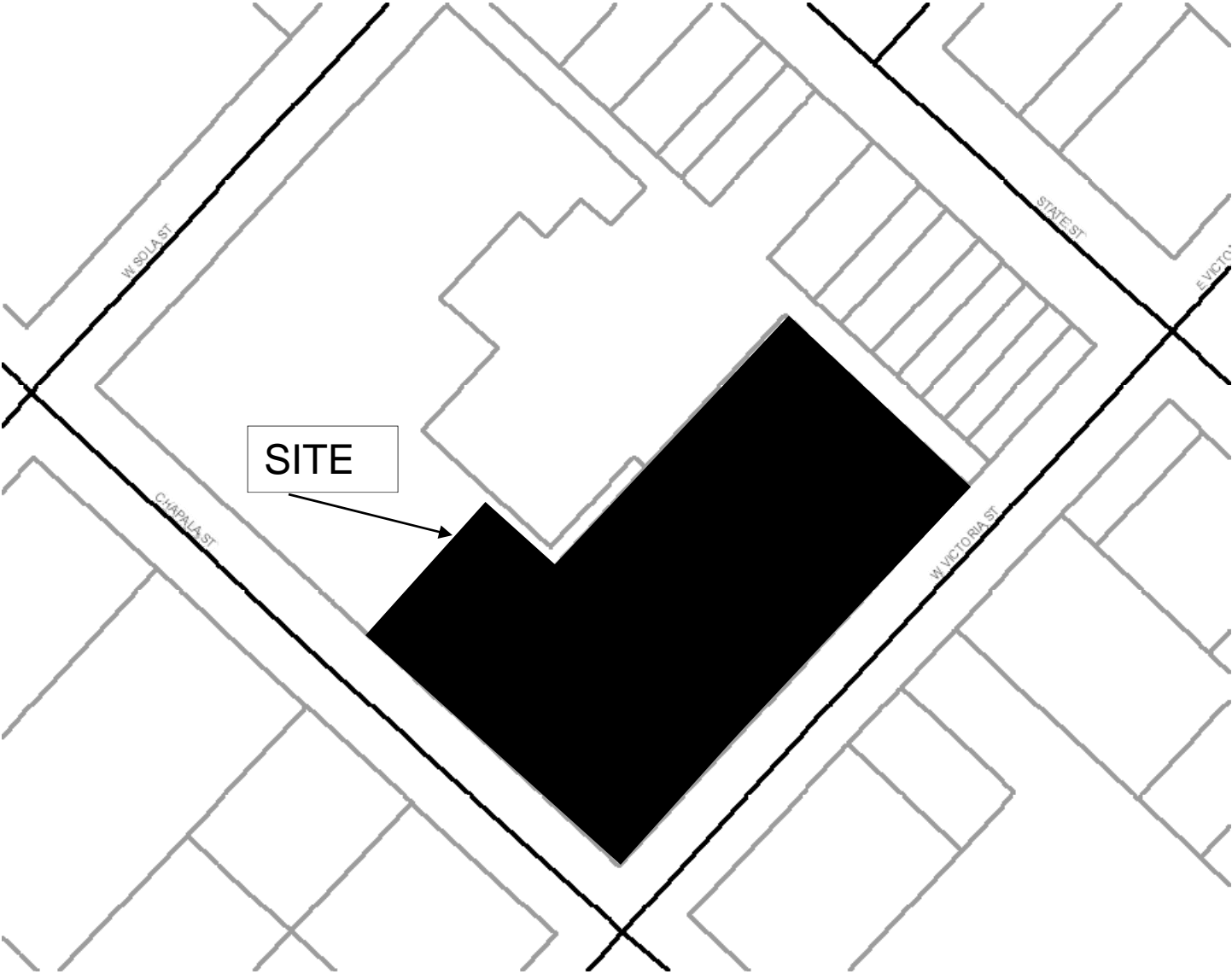
**PREPARED BY:** John Ewasiuk, Principal Civil Engineer/MW/kts

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office

**ATTACHMENT 1**

Vicinity Map  
34 W. Victoria Street



Not to Scale

### CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH FINAL MAP NUMBER 20,796 BY PLANNING COMMISSION CONDITIONS OF APPROVAL, RESOLUTION NO. 009-10

#### ADDRESS

Said approval is subject to the following conditions:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on August 12, 2010 is limited to 37 residential condominium units and 7,577 square feet of accessory residential square footage, 23,125 square feet of commercial development that may be subdivided into as many as 3 commercial condominium units, and the improvements shown on the Tentative Subdivision Map and project plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.
5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
6. **Ownership Unit Affordability Restrictions.** The dwelling units designated as units number 101, 105, 109, 114 and 202 on the approved project plans shall be designated as Affordable Middle Income Units and sold only to households who,

at the time of their purchase, qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

- a. Units No. 101, 109, 114, 202 (1-bedroom units) = \$236,400
- b. Unit No. 105 (2-bedroom unit) = \$297,300

The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

- 7. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
- 8. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
  - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
  - b. **Parking Spaces Available for Parking.** A covenant that includes a requirement that all residential parking spaces within the parking garage be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the spaces were designed and permitted.
  - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
  - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
  - e. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
  - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.



## **ATTACHMENT 3**

### **LIST OF OWNERS**

**Victoria Street Partners, LLC  
Urban Developments, LLC, a California Limited Liability Company**

34 W. Victoria

Margaret Cafarelli, Manager



**CITY OF SANTA BARBARA**  
**COUNCIL AGENDA REPORT**

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** Administration Division, Parks and Recreation Department

**SUBJECT:** California State Coastal Conservancy Grant Of \$200,000 For The Lower Mesa Lane Stairs Replacement Project

**RECOMMENDATION:** That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the City Administrator to Enter into a Grant Agreement Between the City and the California State Coastal Conservancy for the Lower Mesa Lane Steps Replacement Project; and
- B. Increase estimated revenues and appropriations by \$200,000 in the Fiscal Year 2013 Capital Outlay Fund.

**DISCUSSION:**

Background

The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) authorizes \$5.388 billion in general obligation bonds to fund safe drinking water, water quality and supply, flood control, waterway and natural resource protection, water pollution and contamination control, State and local park improvements, public access to natural resources, and water conservation efforts. Under Proposition 84, the City has been awarded \$200,000 from the State Coastal Conservancy for the Lower Mesa Lane Steps Replacement Project.

The purpose of the Lower Mesa Lane Stairs Replacement Project (Project) is to replace the deteriorating lowest section of an important beach access stairway located at the end of Mesa Lane. Extending 140 feet from the top of the bluff to the beach, the stairs are heavily used by Santa Barbara residents and visitors, including surfers, families, walkers, dog owners, and other beach enthusiasts. First constructed in 1982, the Mesa Lane Stairs have provided important coastal access for more than 30 years.

Implementation of the Project has been a priority for the Parks and Recreation Department (Department) for many years. The current condition of the stairs and landing presents hazardous conditions for beach access and raises significant concerns

that a large storm event could eliminate access altogether. Both the landing foundation and the concrete stairs are cracked and eroding due to the unreinforced rebar used in the construction, and the impact of sea water and storm events.

From Fiscal Year 2007 to Fiscal Year 2011, Council allocated General Fund monies through the Capital Improvement Program (CIP) for the preparation of engineering design plans and project permitting, including environmental review. The Planning Commission approved the Coastal Development Permit (CDP) for the project in September 2011, Council authorized the final design contract in December 2012, and the 100% Design Plans and Specifications were complete in May 2012.

### Project Description

The Project includes the replacement of the last landing and flight of stairs, currently constructed of wood and concrete, with a new stainless steel platform, stairs, guardrails, and handrails that are supported at the upper landing by stainless steel piles in holes drilled into bedrock and grouted in place with concrete. The lower end of the stainless steel stairs will be supported on concrete steps and two stainless steel piles in holes drilled into bedrock and grouted in place with concrete. The existing concrete stairs at the base will be replaced with new concrete stairs that will be supported on monolithic foundation embedded into bedrock.

The project goals are to: 1) provide safe public access to the beach, 2) reduce the total footprint of the structure on the beach, 3) minimize ongoing maintenance costs, and 4) improve the aesthetics of the structure. The Project is designed to meet California Coastal Commission standards, including a minimum of 50-year durability, withstanding a 50-year storm event, and meeting the expected sea level rise over a 50-year period.

### California State Coastal Conservancy Grant

In March 2012, the Department submitted a grant application in the amount of \$200,000 to the California State Coastal Conservancy. The Department received letters of support for the grant application from the Santa Barbara Surfrider Foundation, Second District Supervisor Janet Wolf, Assemblymember Das Williams, and State Senator Tony Strickland. On May 24, 2012, the Coastal Conservancy Board approved the grant application. The Parks and Recreation Department and Coastal Conservancy staff subsequently developed the project work plan and grant agreement.

### Project Bidding and Construction Schedule

Project bidding began on May 30, 2012. It is anticipated that the construction contract will be awarded by July 9, 2012, so that there is sufficient time to order and fabricate the steel components of the project (platform, stairs, guardrail) prior to the start of construction. Scheduled to avoid the busy summer season, construction will begin September 4, 2012, the day after Labor Day, and will be complete by November 30,

2012. Nearby beach access will be available at Arroyo Burro County Park, Thousand Steps, Shoreline Park, and Ledbetter Beach.

**BUDGET/FINANCIAL INFORMATION:**

The total project cost is estimated not to exceed \$745,000. To date, Council has appropriated \$195,000. With the Coastal Conservancy grant of \$200,000, and the proposed Fiscal Year 2013 CIP appropriation of \$350,000, the project will be fully funded. Estimated projects costs are shown in the table below.

**ESTIMATED TOTAL PROJECT COST**

Design (by Contract)	\$124,556
Other Design Costs - City staff (if contract), Environmental (Assessments, etc.)	34,132
<b><i>Subtotal</i></b>	<b><i>158,688</i></b>
Estimated Construction Contract w/Change Order Allowance	509,214
Estimated Construction Management/Inspection (by Contract or City)	74,753
<b><i>Subtotal</i></b>	<b><i>583,967</i></b>
<b>TOTAL PROJECT COST</b>	<b>\$742,655</b>

**SUSTAINABILITY IMPACT:**

The Project is designed to meet California Coastal Commission standards, including a minimum of 50-year durability, withstanding a 50-year storm event, and meeting the expected sea level rise over a 50-year period. With project construction, the elimination of the large concrete block on the beach will reduce the impacts of the existing stairs on the bluff from tidal action.

**PREPARED BY:** Jill E. Zachary, Assistant Parks and Recreation Director

**SUBMITTED BY:** Nancy L. Rapp, Parks and Recreation Director

**APPROVED BY:** City Administrator's Office

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA AUTHORIZING THE CITY  
ADMINISTRATOR TO ENTER INTO A GRANT  
AGREEMENT BETWEEN THE CITY AND THE  
CALIFORNIA STATE COASTAL CONSERVANCY FOR  
THE LOWER MESA LANE STEPS REPLACEMENT  
PROJECT

WHEREAS, The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) authorizes \$5.388 billion in general obligation bonds to fund safe drinking water, water quality and supply, flood control, waterway and natural resource protection, water pollution and contamination control, state and local park improvements, public access to natural resources, and water conservation efforts; and

WHEREAS, the California State Coastal Conservancy has agreed to provide the City of Santa Barbara with \$200,000 for the preparation of final design and feasibility plans for the Lower Mesa Lane Steps Replacement Project;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT:

The City Administrator of the City of Santa Barbara is hereby authorized and directed to execute a disbursement agreement between the City of Santa Barbara and the California State Coastal Conservancy (Exhibit A) for grant funds in an amount not to exceed \$200,000 for the Lower Mesa Lane Steps Replacement Project according to the terms and conditions set forth in the agreement.

The City Administrator of the City of Santa Barbara is hereby further authorized to prepare, execute and submit any and all documents necessary to administer said disbursement agreement according to its terms and conditions.



## **CITY OF SANTA BARBARA**

### **COUNCIL AGENDA REPORT**

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Contract For Construction Of The Zone 5 Pavement Preparation Project

**RECOMMENDATION:** That Council:

- A. Award a contract to Granite Construction Company, in its low bid amount of \$839,944, for construction of the Zone 5 Pavement Preparation, Bid No. 3655;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$67,196 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- C. Authorize the Public Works Director to execute a contract with Flowers & Associates, Inc., in the amount of \$103,380 for construction support services, and approve expenditures of up to \$10,338 for extra services of Flowers & Associates, Inc., that may result from necessary changes in the scope of work.

#### **DISCUSSION:**

#### **PROJECT DESCRIPTION**

The work consists of repairing localized distresses on various roads throughout the City, encompassing streets mainly in Zone 5 (Attachment). In conjunction with the Zone 5 Pavement Preparation Project (Project), parking lots maintained by the following Divisions/Departments will also be included in the work:

- Waterfront Department (Chase Palm Park Parking Lot)
- Public Works Facilities Division (Fire Station No. 7)

These facilities have been included in the Project on behalf of each department fund manager to take advantage of economies of scale.

## CONTRACT BIDS

A total of three bids were received for the subject work, which included the basic contract and additional bid alternates that could be exercised at the City's option, ranging as follows:

<b>BIDDER</b>	<b>BID AMOUNT (Base Bid)</b>
1. Granite Construction Company Watsonville, CA	\$839,944.00
2. R. Burke Corporation San Luis Obispo, CA	\$842,720.00
3. Nye & Nelson, Inc. Ventura, CA	\$956,239.20*

\*corrected bid total

The low base bid of \$839,944, submitted by Granite Construction Company, is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$67,196, or 8%, is typical for this type of work and size of project.

## CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with Flowers & Associates, Inc. (Flowers), in the amount of \$113,718 for construction support services. Flowers is on the City's Prequalified Engineering Services list and is experienced in this type of work.

## COMMUNITY OUTREACH

Prior to awarding the construction contract, staff will send notifications to residents and property owners to give them information about the upcoming work in their neighborhood. The contractor is also required to advertise the Project in local papers, three weeks prior to the work in order to inform the general public. Door hangers will be placed at each property, adjacent to the work area, 72 hours in advance to notify residents of the planned schedule. In addition, "No Parking" signs will be posted. Staff will also place a scroll on City TV 18 with information regarding the upcoming Project.

## FUNDING

This Project is mainly funded by Measure A and Utility User Tax funds, along with other respective Department/Division contributions for their share of the work. There are sufficient appropriated funds within the various programs to cover the cost of this Project.

The following summarizes the expenditures recommended in this report:

### CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Construction Contract	\$839,944	\$67,196	\$907,140
Consultant Contract	\$103,380	\$10,338	\$113,718
<b>TOTAL RECOMMENDED AUTHORIZATION</b>			<b>\$1,020,858</b>

The following summarizes all Project design costs, construction contract funding, and other Project costs:

### ESTIMATED TOTAL PROJECT COST

*\*Cents have been rounded to the nearest dollar in this table.*

Design (by Contract)	\$40,240
City Staff Costs	\$15,000
<b>Subtotal</b>	<b>\$55,240</b>
Construction Contract	\$839,944
Construction Change Order Allowance	\$67,196
Construction Management/Inspection (by Contract)	\$113,718
<b>Subtotal</b>	<b>\$1,020,858</b>
Construction Administration (by City Staff)	\$60,000
<b>Subtotal</b>	<b>\$60,000</b>
<b>TOTAL PROJECT COST</b>	<b>\$1,136,098</b>

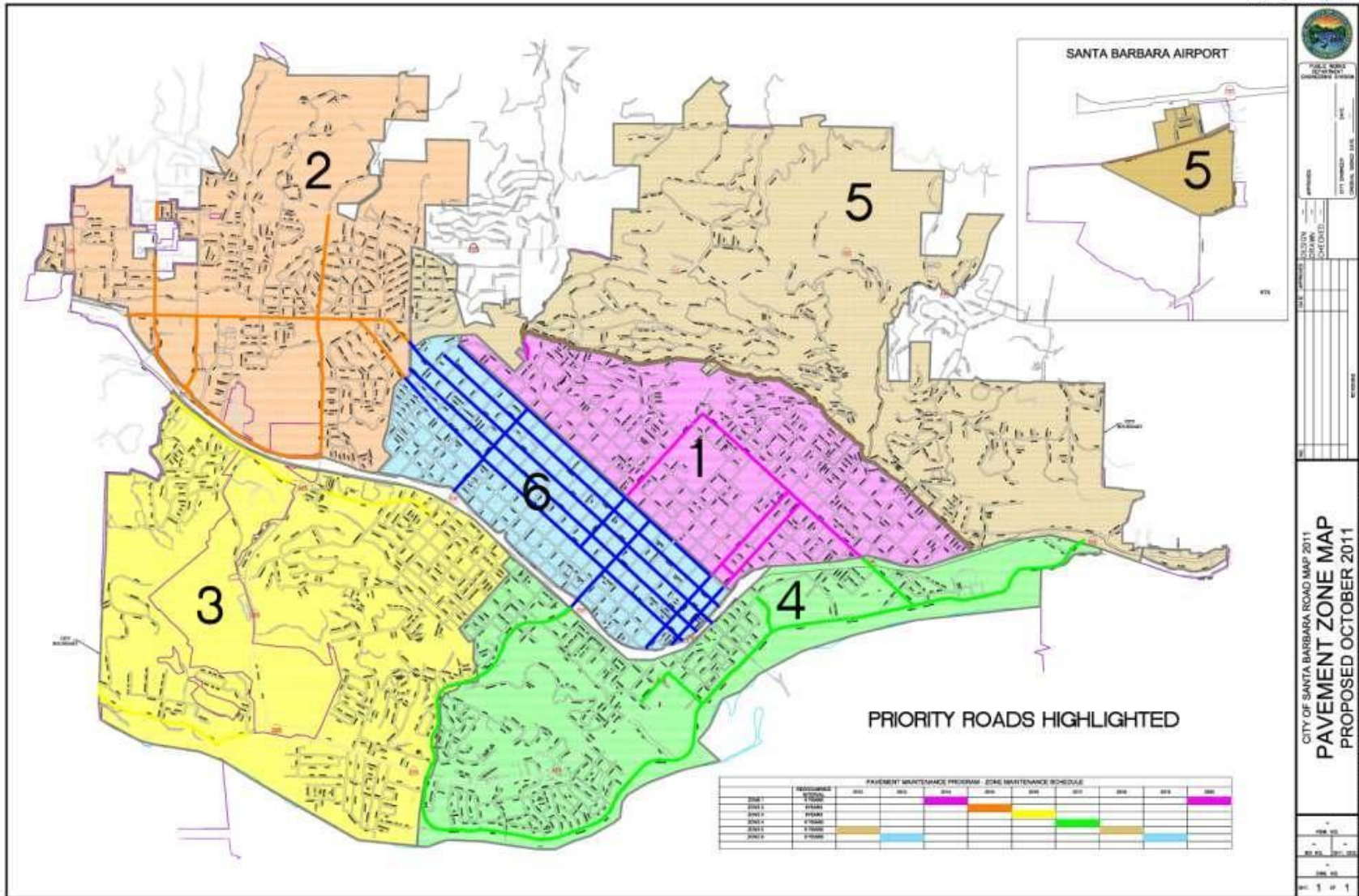
**ATTACHMENT:** Pavement Zone Map

**PREPARED BY:** John Ewasiuk, Principal Civil Engineer/AS/sk

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office







## **CITY OF SANTA BARBARA**

### **COUNCIL AGENDA REPORT**

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Contract For Construction For Zone 5 Slurry Seal Project

**RECOMMENDATION:** That Council:

- A. Award a contract to Pavement Coatings Co., waiving minor bid irregularities, in its low bid amount of \$1,194,104 for construction of the Zone 5 Slurry Seal Project, Bid No. 3656;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$95,484 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- C. Authorize the Public Works Director to execute a contract with Flowers & Associates in the amount of \$165,410 for construction support services, and approve expenditures of up to \$16,541 for extra services that may result from necessary changes in the scope of work;
- D. Accept funding in the total amount of \$17,958 from NextG Networks, Inc., for costs associated with slurry sealing; and
- E. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2012 Streets Capital Fund by \$17,958 for the Zone 5 Slurry Seal Project.

#### **DISCUSSION:**

#### **PROJECT DESCRIPTION**

The Zone 5 Slurry Seal Project (Project) consists of re-sealing roadways on various roads throughout the City. It encompasses streets mainly in Zone 5 (Attachment). In conjunction with this Project, two parking lots maintained by the following Divisions/Departments will also be included in the work:

- Waterfront Department (Chase Palm Park Parking Lot)
- Public Works Facilities Division (Fire Station No. 7)

In order to take advantage of economies of scale and reduced administrative costs, these parking lots have been grouped with the annual slurry seal contract on behalf of each department fund manager.

#### CONTRACT BIDS

A total of three bids were received for the subject work, which included the basic contract and additional bid alternatives that could be exercised at the City's option, ranging as follows:

	<b>BIDDER</b>	<b>BID AMOUNT</b>
1.	Pavement Coatings Co. Jurupa Valley	\$1,194,104.00*
2.	Roy Allan Slurry Seal, Inc. Santa Fe Springs	\$1,927,644.00
3.	Valley Slurry Seal Company West Sacramento	\$2,975,500.00

\*corrected bid total

The corrected low base bid of \$1,194,104, by Pavement Coatings Co., is an acceptable bid that is responsive to and meets the requirements of the bid specifications. The correction is considered a minor bid irregularity that staff recommends be waived.

The change order funding recommendation of \$95,484, or 8%, is typical for this type of work and size of project.

#### CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with Flowers & Associates, Inc. (Flowers) in the amount of \$181,951 for construction support services. Flowers is on the City's Prequalified Engineering Services list and is experienced in this type of work.

#### ACCEPTANCE AND APPROPRIATION OF FUNDS FROM NEXTG NETWORKS, INC.

NEXTG Networks, Inc. (NextG) is a private wireless cellular telephone provider and has obtained City approvals to install associated equipment in the City public rights-of-way. NextG has paid \$17,958 to the City who will perform the required slurry seal work at the intersection of Ortega and Santa Barbara Streets during the next annual City slurry seal contract. The cost to NextG is the same whether they perform the work or the City performs the work. A benefit to the City is that the work will be within the City's control and will be scheduled to coincide with other City slurry seal work. Appropriation of

these funds is necessary to expend the corresponding amount from Streets Fund expenditure account.

## COMMUNITY OUTREACH

Prior to awarding the construction contract, staff will send notifications to residents and property owners to give them information about the upcoming work in their neighborhood. The contractor is also required to advertise the Project in local papers three weeks prior to the work in order to inform the general public of the upcoming work. Door hangers will be placed at each property, adjacent to the work area, 72 hours in advance to notify residents of the planned schedule. In addition, "No Parking" signs will be posted. Staff will also place a scroll on City TV 18 with information regarding the upcoming Project and additional information on the City Web page.

## FUNDING

This Project is mainly funded by Measure A and Utility User Tax funds, along with other respective Department/Division contributions for their share of the work. There are sufficient appropriated funds within the various programs to cover the cost of this Project.

The following summarizes the expenditures recommended in this report:

### CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Construction Contract	\$1,194,104	\$95,484	\$1,289,588
Consultant Contract	\$165,410	\$16,541	\$181,951
<b>TOTAL RECOMMENDED AUTHORIZATION</b>			<b>\$1,471,539</b>

The following summarizes all Project design costs, construction contract funding, and other Project costs:

### ESTIMATED TOTAL PROJECT COST

*\*Cents have been rounded to the nearest dollar in this table.*

Design (by Contract)	\$40,240
City Staff Costs	\$15,000
<b>Subtotal</b>	<b>\$55,240</b>
Construction Contract	\$1,194,104
	\$

Construction Change Order Allowance	\$95,484
Construction Management/Inspection (by Contract)	\$181,951
<b>Subtotal</b>	<b>\$1,471,539</b>
Construction Administration (by City Staff)	\$60,000
<b>Subtotal</b>	<b>\$60,000</b>
<b>TOTAL PROJECT COST</b>	<b>\$1,531,539</b>

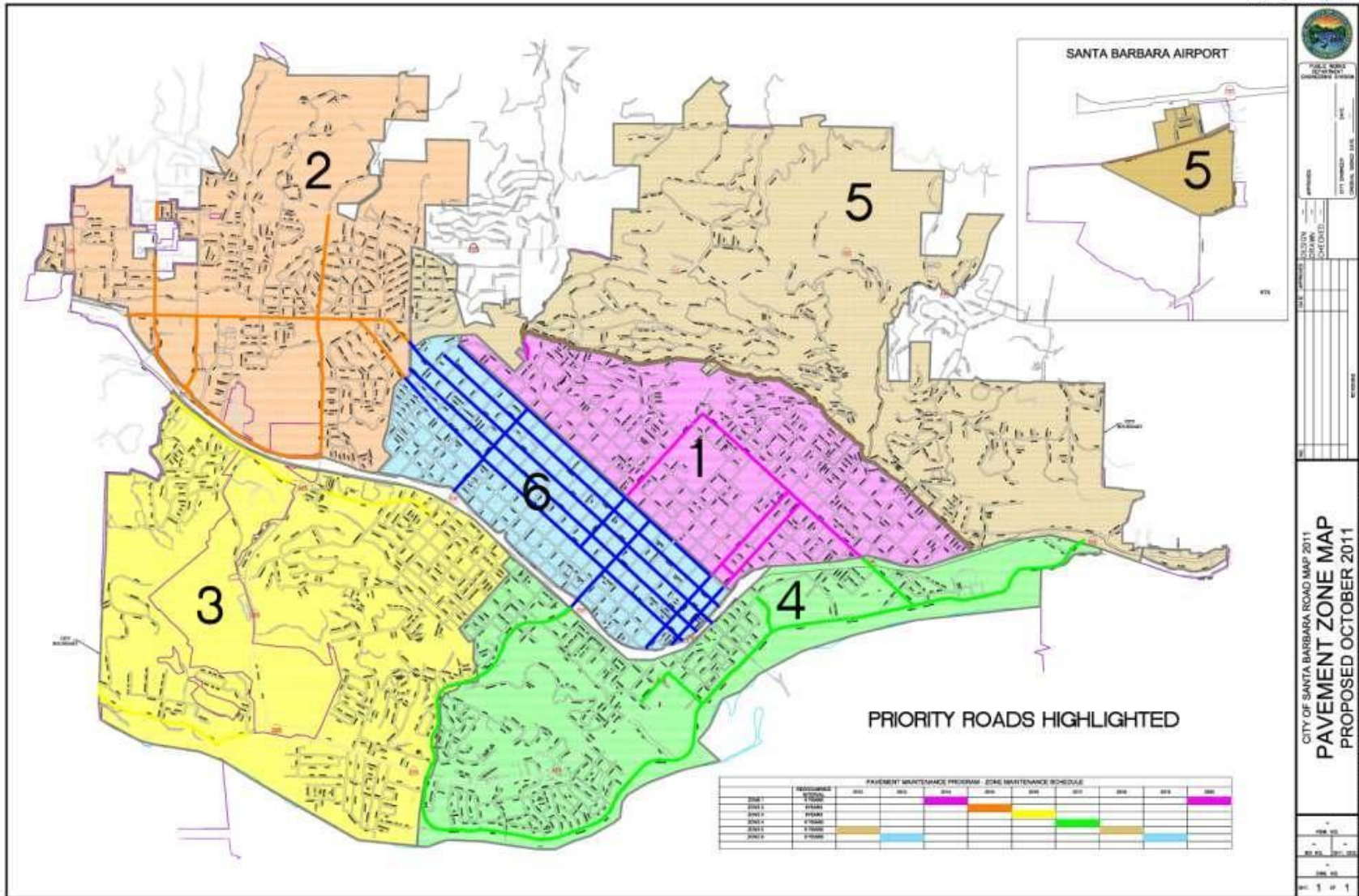
**ATTACHMENT:** Pavement Zone Map

**PREPARED BY:** John Ewasiuk, Principal Civil Engineer/AS/sk

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office







# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Contract For Design For The Fiscal Year 2013 Pavement Maintenance Project

**RECOMMENDATION:** That Council:

- A. Approve the selection of Flowers & Associates, Inc., to provide professional engineering design and construction management services for the annual Pavement Maintenance Project scheduled for Fiscal Years 2013 through 2015; and
- B. Authorize the Public Works Director to execute a City Professional Services contract with Flowers & Associates, Inc. in the amount of \$80,479 for design services for the Fiscal Year 2013 Pavement Maintenance Project, and authorize the Public Works Director to approve expenditures of up to \$8,048 for extra services that may result from necessary changes in the scope of work.

### DISCUSSION:

The Engineering Division hires design and construction consultant services for delivery of its annual Pavement Maintenance Project. In 2009, staff sought proposals from local engineering firms for the City's annual pavement maintenance design and contract administration services in order to make efficient use of staff time and increase the ratio of funds expended on construction. Flowers & Associates, Inc. (Flowers) was selected to provide design and construction management services for Fiscal Years 2010 through 2012. Flowers has successfully delivered its design and construction management services over the past three years, and staff recommends that Flowers be selected to provide these services for Fiscal Years 2013 through 2015. Flowers has agreed to extend its current fee schedule through 2015. Staff will negotiate separate contracts for each of the fiscal years.

## PROJECT DESCRIPTION

The City is divided into six pavement maintenance zones (Attachment). Staff has negotiated a contract with Flowers for design phase services for Fiscal Year 2013, which will include portions of Zones 5 and 6. This design phase includes the evaluation of over 6.25 million square feet of roadway within this zone, as well as other specific streets requiring repair outside of Zones 5 and 6. The design will specify repair and maintenance procedures to apply to streets and include the preparation of construction contract documents so that the work can be bid, awarded, and then constructed.

The scope of services from Flowers includes the following:

- Surveying the existing pavement condition;
- Marking streets for pavement repair work;
- Preparing specifications for pavement repairs; and
- Preparing construction cost estimates for all components of the construction phase, including pavement preparation, slurry seal, crack seal, and other alternative repair options.

The design for the Project is scheduled to be completed by December 2012, with construction work scheduled to commence in spring 2013.

## DESIGN PHASE CONSULTANT ENGINEERING SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with Flowers in the amount of \$88,527 for design services. Flowers is one of the participants in the City's Pre-qualified Engineering Services Program and is experienced in this type of work. Flowers was also previously selected through a Request For Proposal process in 2009 for this type of work.

## FUNDING

The Project is funded primarily through Streets Capital funds that were previously budgeted for pavement maintenance, which included Measure A and Utility User Tax funds.



The following summarizes all estimated total Project costs:

**ESTIMATED TOTAL PROJECT COST**

Design (by Contract)	\$88,527
Design Project Management (by City staff)	\$40,000
<b>Subtotal</b>	<b>\$128,527</b>
Estimated Construction Contract w/Change Order Allowance	\$1,691,473
Estimated Construction Management/Inspection (by Contract)	\$300,000
Estimated Construction Project Management (by City staff)	\$80,000
<b>Subtotal</b>	<b>\$2,071,473</b>
<b>TOTAL PROJECT COST</b>	<b>\$2,200,000</b>

There are sufficient funds in the Streets Fund to cover these costs. Measure A funds are a significant funding source for the Streets Capital Program, including the design and construction of the Project.

**SUSTAINABILITY IMPACT:**

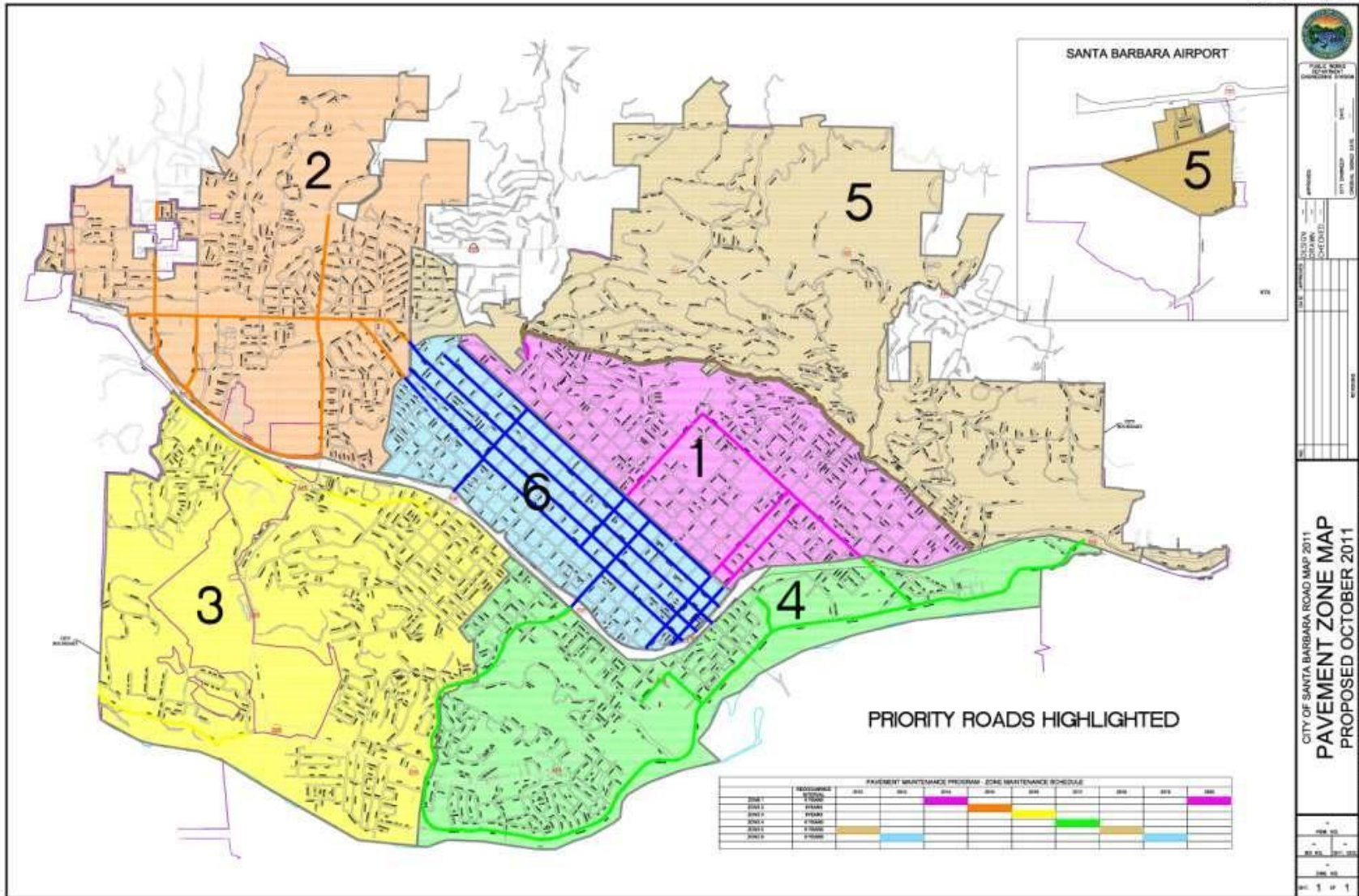
The timely maintenance of pavement extends the life of the pavement section and road condition, and it is the most cost effective approach to infrastructure management. This program also minimizes the amount of raw materials needed including pavement oils, significantly reduces waste materials that would be directed to landfills, decreases costs for labor, limits public inconvenience, and minimizes lost revenues of nearby businesses.

**ATTACHMENT:** Pavement Maintenance Zone Map

**PREPARED BY:** John Ewasiuk, Principal Civil Engineer/AS/sk

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office





# **CITY OF SANTA BARBARA**

## **COUNCIL AGENDA REPORT**

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** Transportation Division, Public Works Department

**SUBJECT:** Execution Of Agreement With The Santa Barbara Metropolitan Transit District For Transit Services

### **RECOMMENDATION:**

That Council authorize the Public Works Director to execute a one-year Agreement for Fiscal Year 2013 with the Santa Barbara Metropolitan Transit District, in a form acceptable to the City Attorney, for transit services in an amount not to exceed \$1,188,180.

### **DISCUSSION:**

The City currently has a Master Agreement (Agreement) with the Santa Barbara Metropolitan Transit District (MTD) for the Downtown/Waterfront and Commuter Lot Shuttles that expires on June 30, 2012. The MTD Board approved the renewal of the Agreement at its May 15, 2012 meeting and is requesting that the City also approve the Agreement.

The City's Redevelopment Agency (RDA) was providing \$300,000 to MTD to support the traffic mitigation requirement of the Central Redevelopment Area. In acknowledgment that these funds are no longer available, the MTD Board supported the elimination of the shuttle service to the Carrillo Commuter Lot and a reduction in midday service on the Crosstown Shuttle. At its June 6, 2012, special meeting, Council also approved these changes, as well as an increase in the fare on the Downtown/Waterfront Shuttle from \$0.25 to \$0.50.

This fare increase will generate an estimated \$75,000 in additional revenue that will partially offset the loss of RDA funding. The MTD Board held a public hearing on June 12, 2012, for the consideration of raising the fare from \$0.25 to \$0.50. These changes will go into effect on Monday, July 2, 2012.

## Council Agenda Report

### Execution Of Agreement With The Santa Barbara Metropolitan Transit District For Transit Services

June 26, 2012

Page 2

The total savings resulting from these changes is \$278,000, leaving a \$22,000 shortfall in addressing the loss of RDA funds. Raising the fare from \$0.25 to \$0.50 is conservatively projected to increase revenues by \$75,000. The City's estimated 2012 revenue from the \$0.25 fare is \$116,000. Staff is optimistic that the increase in fare will not cause a significant decrease in ridership and that additional increased fare revenue will be realized, which will offset the \$22,000 shortfall. Staff will monitor the fare box revenue during the first six months of this Agreement and will recommend necessary adjustments at midyear, if the revenue is not exceeding the projected revenues.

MTD will provide between 13,500 and 15,088 hours annually for the Downtown/Waterfront Shuttle. MTD's hourly rate for Fiscal Year 2013 will be \$78.75. The operating subsidy will remain at the Fiscal Year 2012 level of \$1,188,180. MTD will provide the City with the actual shuttle fare as a credit to the monthly shuttle service invoice. The operating subsidy that the City provides to MTD is considered to be a fare "buy down", reducing the shuttle fare from \$1.75.

### Funding Provisions

The total City funds for this Master Agreement are:

#### **OPERATING SUPPORT**

Downtown/Waterfront Shuttle

#### **Fiscal Year 2013**

\$1,188,180

Proposed Source of Funding:

#### **Fiscal Year 2013**

Measure "A" Fund

\$582,015

Downtown Parking Fund

\$393,978

Fare Box Revenue (Credit)

\$190,187

**Total:**

**\$1,166,180**

The \$22,000 projected shortfall will be addressed at mid-year if fare box revenues do not exceed estimates.

### SUSTAINABILITY IMPACT

The transit support provided under the terms of the Master Agreement contributes towards the City's goal of increasing the availability of public transit, thereby making the use of a car a choice, not a necessity.

**PREPARED BY:** Browning Allen, Transportation Manager/kts

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** Administration Division, Finance Department

**SUBJECT:** Statement Of Investment Policy And Delegation Of Investment Authority for Fiscal Year 2013

**RECOMMENDATION:** That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Investment Policy for the City and Rescinding Resolution No. 11-043; and
- B. Authorize the City Administrator/City Clerk/City Treasurer to invest or reinvest funds, or to sell or exchange securities so purchased for the City of Santa Barbara and the City of Santa Barbara Acting as the Redevelopment Successor Agency for Fiscal Year 2013.

### DISCUSSION:

The Government Code of the State of California does not require local agencies to adopt or submit to the State a Statement of Investment Policy. The State Code specifies permitted investments for local governments, but the City's Statement of Investment Policy defines the suitable and authorized investments for the City. In some cases, the City's policy is more restrictive than State Code. Moreover, the policy serves as a guide for setting and achieving the City's own investment objectives and defines guidelines for the management of the portfolio. Therefore, staff strongly recommends that Council adopt the investment policy on an annual basis.

Except for County governments, the State Code does not contain any provisions specifying what must be included in the investment policy of a local agency. The City has developed a comprehensive investment policy that includes all critical components recommended by various professional agencies and organizations, and the policy has been awarded several certifications. Therefore, staff recommends that the policy be updated annually to incorporate any statutory and/or internal policy changes, thereby maintaining this standard of excellence.

If a local agency's policy is submitted to the legislative body, it must be an agenda item at a public meeting and should be approved by a vote of the legislative body no later than the end of the first quarter of the year to which it applies. In this case, staff is bringing the Statement of Investment Policy for Fiscal Year 2013 for review and approval prior to the start of the fiscal year to which the policy applies.

### **Staff Recommended Changes**

Revisions to the annual investment policy are made each year, as needed, to incorporate policy or statutory changes affecting the City's investment program and daily investing activities. Policy revisions are generally technical in nature, such as process changes or language clarifications. Statutory changes are changes in state law affecting allowable investments or procedures related to investing activities. Over the past year, there have been no State statutory changes requiring changes to the City's policy. The policy, as submitted, contains no recommended policy or statutory changes from last year.

There is sufficiently broad language in the policy to allow for any changes that may occur during the year to be accommodated on an administrative basis rather than a formal revision to the policy. The policy, as submitted, contains only one administrative change that was made since the policy was adopted by Council in June 2012. For investment of funds in non-negotiable certificates of deposit, the core capital requirement for banking institutions was increased from 3 percent to 4 percent (page 8 of the policy) to be consistent with the current federal bank regulation definition of "adequately capitalized" institutions.

By separate action, Council formally delegates authority to the City Treasurer to invest and reinvest funds and to sell or exchange securities for a one-year period, as specified on page 3 of the proposed Investment Policy. Management and oversight of the investment program is delegated to the Finance Director. The Treasury Manager is authorized to conduct daily investment activities under supervision of the Finance Director. All investment purchases and sales require signature approval from the Finance Director or City Administrator by the close of business on the next business day following the purchase or sale.

**PREPARED BY:** Jill Taura, Treasury Manager

**SUBMITTED BY:** Robert Samario, Finance Director

**APPROVED BY:** City Administrator's Office

RESOLUTION NO. 12-\_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA ADOPTING THE INVESTMENT  
POLICY FOR THE CITY AND RESCINDING  
RESOLUTION NO. 11-043

WHEREAS, the City Council adopted Resolution Nos. 85-065 and 85-121, establishing a policy regarding the investment of City funds;

WHEREAS, the Council last reaffirmed the policy by adopting Resolution No. 11-043; and

WHEREAS, the City of Santa Barbara has consistently maintained a policy of due diligence and the minimizing of risk in the investment of City funds.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The attached Exhibit, City of Santa Barbara Statement of Investment Policy, is hereby adopted and made a part of this resolution.

SECTION 2. Resolution No. 11-043 is hereby rescinded.

Adopted: June 26, 2012



# **City of Santa Barbara Finance Department**

## **Statement of Investment Policy**

**Fiscal Year 2013**



City of Santa Barbara  
ANNUAL STATEMENT OF INVESTMENT POLICY  
Fiscal Year 2013

TABLE OF CONTENTS

<b>I.</b>	<b>MISSION STATEMENT .....</b>	<b>1</b>
<b>II.</b>	<b>SCOPE</b>	
	A. Pooling of Funds .....	1
	B. Funds Included in this Policy .....	1
	C. Funds Excluded from this Policy .....	1
<b>III.</b>	<b>GENERAL OBJECTIVES</b>	
	A. Safety .....	1
	B. Liquidity .....	2
	C. Yield .....	2
<b>IV.</b>	<b>STANDARDS OF CARE</b>	
	A. Prudence .....	3
	B. Ethics and Conflicts of Interest .....	3
	C. Delegation of Authority .....	3
	D. Internal Controls .....	4
<b>V.</b>	<b>AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS .....</b>	<b>5</b>
<b>VI.</b>	<b>SAFEKEEPING AND CUSTODY .....</b>	<b>5</b>
<b>VII.</b>	<b>SUITABLE AND AUTHORIZED INVESTMENTS</b>	
	A. Investment Types .....	6
	B. Collateralization .....	10
	C. Investments Not Approved .....	11
	D. Exceptions to Prohibited and Restricted Investments .....	11
<b>VIII.</b>	<b>INVESTING PARAMETERS</b>	
	A. Diversification.....	11
	B. Maximum Maturities .....	12
<b>IX.</b>	<b>REPORTING</b>	
	A. Monthly Reporting to City Council .....	12
	B. Quarterly Reporting to City Council .....	13
	C. Performance Standards .....	13
<b>X.</b>	<b>INVESTMENT POLICY COMPLIANCE AND ADOPTION</b>	
	A. Policy Compliance and Changes .....	14
	B. Annual Statement of Investment Policy .....	14
	<b>GLOSSARY OF INVESTMENT TERMS .....</b>	<b>15</b>

City of Santa Barbara  
ANNUAL STATEMENT OF INVESTMENT POLICY  
Fiscal Year 2013

**I. MISSION STATEMENT**

It is the policy of the City to invest public funds in a manner that will provide maximum security, adequate liquidity and sufficient yield, while meeting the daily cash flow demands of the City and conforming to all statutes and regulations governing the investment of public funds.

**II. SCOPE**

This investment policy applies to all the financial assets of City of Santa Barbara and the Redevelopment Agency of the City of Santa Barbara. These funds are accounted for in the City's audited Comprehensive Annual Financial Report. If the City invests funds on behalf of another agency and, if that agency does not have its own policy, the City's investment policy shall govern the agency's investments.

**A. Pooling of Funds**

Except for cash in certain restricted and special funds, the City shall consolidate cash balances from all funds to maximize investment earnings. Investment income shall be allocated to various funds as identified in the investment procedures manual in accordance with generally accepted accounting principles.

**B. Funds Included by this Policy**

General Fund

Special Revenue Funds

Capital Project Funds

Enterprise Funds

Internal Service Funds

Trust and Agency Funds

Any new fund created by City Council unless specifically exempted

**C. Funds Excluded from this Policy**

1. City's Service Retirement System Fund. This fund is managed separately under Article XVA of the 1926 Charter.

2. Bond Proceeds. Investment of bond proceeds shall be subject to the conditions and restrictions of bond documents and are not governed by this policy. Bond investment conditions and restrictions shall be reviewed by the Finance Committee and forwarded to City Council for approval.

**III. GENERAL OBJECTIVES**

The primary objectives, in priority order, of the City's investment activities are safety, liquidity and yield.

**City of Santa Barbara**  
**ANNUAL STATEMENT OF INVESTMENT POLICY**  
**Fiscal Year 2013**

**A. Safety**

Preservation of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective shall be to mitigate credit risk and interest rate risk. To attain this objective, the City shall diversify its investments by investing funds among several financial institutions and a variety of securities offering independent returns.

**1. Credit Risk**

The City shall minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:

- Limiting investments to the safest types of securities
- Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisers with which the City will do business
- Diversifying the investment portfolio so as to minimize the impact any single industry/investment class can have on the portfolio

**2. Interest Rate Risk**

To minimize the negative impact of material changes in the market value of securities in the portfolio, the City shall:

- Structure the investment portfolio so that securities mature concurrent with cash needs to meet anticipated demands, thereby avoiding the need to sell securities on the open market prior to maturity
- Invest operating funds primarily in shorter-term securities, money market mutual funds, and the State of California's Local Agency Investment Fund (LAIF)

**B. Liquidity**

The City's investment portfolio shall remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated without requiring a sale of securities. Since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets. A portion of the portfolio also may be placed in money market mutual funds or LAIF which offer same-day liquidity for short-term funds.

**C. Yield (Return on Investment)**

The City's investment portfolio shall be designed with the objective of attaining a benchmark rate of return throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and the liquidity characteristics of the portfolio. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

City of Santa Barbara  
ANNUAL STATEMENT OF INVESTMENT POLICY  
Fiscal Year 2013

**IV. STANDARDS OF CARE**

**A. Prudence**

The standard of prudence to be used by City investment officials shall be the “Prudent Investor Standard” in that a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the City, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of an enterprise of a like character and with like aims. This standard shall be applied in the context of managing the overall portfolio. City investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

**B. Ethics and Conflicts of Interest**

Officers and employees involved in the City investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or that could impair their ability to make impartial investment decisions. City employees and investment officials shall disclose any material financial interests in financial institutions that conduct business within their jurisdiction, and they shall further disclose any personal financial/investment positions that could be related to the performance of the City immediately to the City of Santa Barbara Treasurer and annually to the Fair Political Practices Commission. City employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.

**C. Delegation of Authority**

Authority to manage the City's investment program is derived from the Charter of the City of Santa Barbara. City Council shall delegate to the Treasurer, for a 1-year period, the authority to invest or to reinvest funds, or to sell or exchange securities. The Treasurer shall thereafter assume full responsibility for those transactions until the delegation of authority is revoked or expires.

Management responsibility for the investment program is delegated to the Finance Director who shall establish a separate written investment procedures manual. The operation of the investment program shall be consistent with this policy and the investment procedures manual. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Finance Director. The Treasury Manager is authorized to conduct investment related activities, under the supervision of the Director of Finance, on behalf of the City and the Redevelopment Agency. All investment purchases and sales require signature approval from the Finance Director or the Assistant Finance Director, by the close of business on the next business day following the purchase or sale.

City of Santa Barbara  
ANNUAL STATEMENT OF INVESTMENT POLICY  
Fiscal Year 2013

The following documents are by reference incorporated in the investment procedures manual:

1. Listing of authorized personnel
2. Relevant investment statutes and ordinances
3. Repurchase agreements and tri-party agreements
4. Listing of authorized broker/dealers and financial institutions
5. Credit ratings and/or reports for securities purchased and financial institutions used
6. Safekeeping agreements
7. Sample investment reports
8. Investment accounting documents
9. Methodology for calculating rate of return
10. Banking services contracts
11. Cash flow forecasting
12. Collateral/depository agreements

**D. Internal Controls**

The Finance Director is responsible for establishing and maintaining a system of written internal controls. These controls shall be reviewed annually with an independent external auditor who will notify the City Council if there is a material non-compliance with its policies and procedures. The internal controls shall be designed to prevent losses of public funds arising from fraud, employee error, and misrepresentation by third parties, unanticipated changes in financial markets, or imprudent action by City employees and officers. The internal structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived, and (2) the valuation of costs and benefits requires estimates and judgments by management.

The internal controls shall address the following points:

1. Control of collusion
2. Separation of transaction authority from accounting and record-keeping
3. Custodial safekeeping
4. Delivery versus payment (DVP)
5. Clear delegation of authority to subordinate staff members
6. Written confirmation of transactions for investments and wire transfers
7. Wire transfer agreements

**City of Santa Barbara**  
**ANNUAL STATEMENT OF INVESTMENT POLICY**  
**Fiscal Year 2013**

**V. AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS**

The Finance Director shall establish selection criteria for pre-approval of financial institutions and security broker/dealers to do business with the City of Santa Barbara. The Finance Director shall maintain a list of City approved financial institutions and security broker/dealers who are authorized to provide investment services to the City. These may include primary dealers, or regional dealers that qualify under Securities & Exchange Commission Rule 15C3-1 (uniform net capital rule). To qualify for consideration, a financial institution or a security broker/dealer must also have an office in California and that office must perform the transactions with the City.

All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following to the Finance Director as appropriate:

- Current audited financial statements
- Proof of Financial Industry Regulatory Authority (FINRA), formerly National Association of Security Dealers (NASD), certification
- Trading resolution
- Complete broker/dealer questionnaire
- Proof of State of California registration
- For banking institutions, a statement of compliance with the Federal Reserve Bank of New York's capital guideline
- Statement of having read, understood and agreeing to comply with the City's investment policy and depository contracts

The Finance Director shall annually review each of the approved financial institutions and security broker/dealers selected for current State of California registrations and financial condition.

**VI. SAFEKEEPING AND CUSTODY**

All security transactions, including collateral for repurchase agreements, entered into by the City shall be conducted on a delivery-versus-payment (DVP) basis which will ensure that securities are deposited in an eligible financial institution prior to the release of funds. Securities shall be held by a third-party custodian designated by the Finance Director and evidenced by safekeeping receipts with a written custodial agreement. The only exception to the foregoing shall be depository accounts and securities purchases made with: LAIF, time certificates of deposit, and money market mutual funds, since the purchased securities are not deliverable. Settlement instructions sent to the safekeeping agent shall require dual authorization. The Treasurer and the Finance Director shall be bonded to protect the public against possible embezzlement and malfeasance. Safekeeping procedures shall be reviewed annually by an independent external auditor and any irregularities noted should be reported promptly to the Treasurer and City Council.

**City of Santa Barbara**  
**ANNUAL STATEMENT OF INVESTMENT POLICY**  
**Fiscal Year 2013**

**VII. SUITABLE AND AUTHORIZED INVESTMENTS**

The City shall be governed by the California Government Code, Sections 53600 et seq. If the Code is amended to allow additional investments or is changed regarding the limits on certain categories of investments, the City is authorized to conform to the changes in the revised Code, provided that the changes are not specifically prohibited by the City's policy. The City shall be required to present those changes in the annual review of the policy and to incorporate the new legislation within the policy. Surplus funds are defined as funds not required for the immediate necessities of the City and include investments in individually managed portfolio(s), money market fund(s) and/or State LAIF, and all portfolio limitations and restrictions shall apply to this aggregate amount. For purposes of compliance with the California Government Code and the City's Investment Policy, the credit rating requirement for medium-term notes, deposit notes, bank notes and commercial paper shall be based on the quality ratings at the time of purchase. If the quality rating of the issuer is downgraded, subsequent to purchase, by any of the Nationally Recognized Statistical-Rating Organizations below "A", or its equivalent, it shall be reported to the Finance Committee and City Council with a recommendation, and ongoing information shall be provided if the bond is not sold. Percentage limitations of surplus funds invested are noted for the various investment instruments. Where there is a specified percentage limitation for a particular category of investments, that percentage is applicable only at the date of purchase. A later increase or decrease in a percentage resulting from a change in values or assets shall not constitute a violation of that restriction.

The City is empowered by statute to invest in the following types of securities and are those that the investment managers are trained and competent to handle.

**A. Investment Types**

1. Bonds, notes, or other forms of indebtedness issued by the City, including bonds payable solely out of the revenues from a revenue producing property owned, controlled, or operated by the City or by a department, board, agency, or authority of the local agency.
2. United States Treasury notes, bonds, bills, or certificates of indebtedness, or those for which the full faith and credit of the United States are pledged for the payment of principal and interest.
3. Federal Agency or United States government-sponsored enterprise obligations (GSE), participations, or other instruments.
4. State of California and Local Agency Obligations. Registered state warrants or treasury notes or bonds of this state, including bonds payable solely out of the revenues from revenue-producing property owned, controlled, or operated by the state or by a department, board, agency, or authority of the state; and bonds, notes, warrants, or other evidence of indebtedness of any local agency within this state including bonds payable solely out of the revenues from revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency. Notes eligible for investment, other than those issued by the City or operated by a department, board, agency, or authority of the local agency, shall be rated in a

**City of Santa Barbara**  
**ANNUAL STATEMENT OF INVESTMENT POLICY**  
**Fiscal Year 2013**

category of "A" or its equivalent or better by two Nationally Recognized Statistical-Rating Organizations.

5. Medium-Term Notes, defined as all corporate and depository institution debt securities with a maximum remaining maturity of 5 years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Purchases of medium-term notes may not exceed 30 percent of the City's surplus funds. Notes eligible for investment shall be rated in a category of "A" or its equivalent or better by two Nationally Recognized Statistical-Rating Organizations. Investments in medium-term notes for any single non-government issuer shall be limited to no more than 5 percent of surplus funds for issuers rated "AA" or its equivalent or better by two Nationally Recognized Statistical-Rating Organizations, and to no more than 3 percent for issuers rated "A" or its equivalent or better by two Nationally Recognized Statistical-Rating Organizations.
6. Bankers Acceptances otherwise known as bills of exchange or time drafts, drawn on and accepted by a commercial bank, which are eligible for purchase by the Federal Reserve System. Purchased bankers acceptances may not exceed 180 days maturity or 40 percent of the City's surplus funds, and no more than 10 percent of the City's surplus funds may be invested in the bankers' acceptances of any single commercial bank.
7. Commercial Paper of "prime" quality of the highest ranking or the highest letter and number rating as provided for by a Nationally Recognized Statistical-Rating Organization. The entity that issues the commercial paper shall meet all of the following conditions in either paragraph (a) or paragraph (b):
  - a. The entity is organized and operating in the United States as a general corporation and has total assets in excess of \$500,000,000. In addition, its debt other than commercial paper, if any, must be rated "A" or higher by a Nationally Recognized Statistical-Rating Organization.
  - b. The entity is organized within the United States as a special purpose corporation, trust, or limited liability company and has a program wide credit enhancement including, but not limited to, over collateralization, letters of credit, or surety bond. In addition, the entity has commercial paper that is rated "A-1" or higher, or the equivalent, by a Nationally Recognized Statistical-Rating Organization.

Eligible commercial paper shall have a maximum maturity of 270 days or less. The City may not invest more than 25 percent of its surplus funds in commercial paper, and the City may purchase no more than 10 percent of the outstanding eligible commercial paper of any single issuer.

8. Negotiable Certificates of Deposit issued by a nationally or state-chartered bank or savings association or federal association or a state or federal credit union or by a state-licensed branch of a foreign bank. Purchases of negotiable certificates of deposit shall not exceed 15 percent of the City's surplus money invested and shall be limited to no more than 3 percent of any single issuer.



City of Santa Barbara  
ANNUAL STATEMENT OF INVESTMENT POLICY  
Fiscal Year 2013

Deposit notes and bank notes purchased through a broker or dealer shall be included with negotiable certificates of deposit in calculating allowable maximum percentages. Negotiable certificates of deposit, deposit notes and bank notes shall be rated in a category of "A" or its equivalent or better by two Nationally Recognized Statistical-Rating Organizations.

9. Time Deposits. The City may invest in non-negotiable Certificates of Deposit at commercial banks and savings and loan associations that are collateralized in accordance with the California Government Code. To be eligible to receive City funds, the depository institution shall have received an overall rating of not less than "satisfactory" in its most recent evaluation of its record of meeting the credit needs of California's communities, including low and moderate-income neighborhoods. In selecting depositories, the credit worthiness of institutions shall be considered. Banks and Savings and Loan Associations seeking to establish an investment relationship with the City shall submit an audited financial report that shall be reviewed for compliance with the City's investment standards. Any institution not providing an audited annual financial report shall be removed from the approved list and all funds maturing will be withdrawn. A list of eligible institutions shall be maintained in the investment procedures manual. Qualification shall be determined by the following criteria:
  - a. Tangible capital must equal or exceed 1.5 percent; **core capital must equal or exceed 4 percent**; and, risk-based capital must equal 8 percent of assets adjusted for assigned risk-weightings.
  - b. Return on Assets of a minimum of 0.5 percent; a Return on Equity of a minimum of 8 percent; an Equity to Assets Ratio of a minimum of 5 percent; and, City investments shall be no greater than 0.5 percent of the total assets of the depository.
  - c. Independent auditor's statement must have a clean opinion.
10. Savings accounts. Savings accounts when used in conjunction with the City's checking accounts at a qualified bank where funds are collateralized in accordance with the California Government Code.
11. U. S. Government money market funds registered with the Securities and Exchange Commission and which comply with rule 2a7 of the Investment Company Act of 1940. The fund must be comprised of only U.S. Treasury bills, notes and bonds, repurchase agreements and obligations issued or guaranteed as to principal and interest by the U.S. Government or its agencies or instrumentalities. The percentage of repurchase agreements in the fund shall be reviewed and approved based on the fund's policy limits. The dollar weighted average maturity of the portfolio shall be less than 90 days and the portfolio is managed to maintain a \$1.00 share price. Also, the fund shall meet either of the following criteria: (a) attained the highest ranking or the highest letter and numerical rating provided by not less than two Nationally Recognized Statistical-Rating Organizations; (b) retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than 5 years' experience managing

**City of Santa Barbara**  
**ANNUAL STATEMENT OF INVESTMENT POLICY**  
**Fiscal Year 2013**

money market mutual funds with assets under management in excess of \$500,000,000. Purchase of securities authorized by this section shall not exceed 20 percent of the City's surplus money invested and no more than 10 percent may be invested in any single money market fund.

12. Repurchase Agreements. Investments in repurchase agreements or reverse repurchase agreements or securities lending agreements of any securities authorized by the Code, so long as the proceeds of the repurchase agreement are invested solely to supplement the income normally received from these securities. The City shall adopt as a standard the Bond Market Association Master Repurchase Agreement and shall maintain a list of approved counterparts and limit counter parties to primary dealers rated "A" or better by two Nationally Recognized Statistical-Rating Organizations. Reverse repurchase agreements and securities lending agreements shall require City Council authorization separate from City Council approval of this policy. Securities lending agreements shall include the following safeguard measures: terms of lending agreements, indemnification provisions, reinvestment guidelines, liquidity provisions, credit risks and monitoring requirements. Additionally, any securities lending agreement shall be reviewed by the City Attorney to ensure the City's interests are properly protected.
  - a. Investments in repurchase agreements may be made, on any authorized investment, when the term of the agreement does not exceed 1 year.
  - b. Reverse repurchase agreements or securities lending agreements may be utilized when the security to be sold on the reverse repurchase agreement or securities lending agreement has been owned and fully paid for by the City for a minimum of 30 days prior to sale; the total of all reverse repurchase agreements on investments owned by the City does not exceed 20 percent of the base value of the portfolio; and the agreement does not exceed a term of 92 days, unless the agreement includes a written codicil guaranteeing a minimum earning or spread for the entire period between sale of a security using a reverse repurchase agreement and the final maturity date of the same security.
13. Local Agency Investment Fund (LAIF). The City may invest in LAIF, established by the California State Treasurer, up to the \$50,000,000 maximum permitted by State law, effective November 16, 2009; therefore, there is a \$50,000,000 limit for the City of Santa Barbara and a \$50,000,000 limit for the City of Santa Barbara Redevelopment Agency. The City's investment in LAIF is based on, among other criteria, the following information provided by LAIF: a written statement of portfolio management goals, objectives and policies, including a description of eligible investment securities; a disclosure of LAIF's safekeeping practices; eligible LAIF participants, the monthly transaction limit, and minimum and maximum deposit and withdrawal amounts permitted; calculation of quarterly earnings and apportionment, including gains and losses; disclosure of administrative

City of Santa Barbara  
ANNUAL STATEMENT OF INVESTMENT POLICY  
Fiscal Year 2013

costs and the assessment process; monthly statements of the City's transaction activity and balances; monthly summaries of LAIF investment data, including market valuation and accrued interest; and a description of the audit process. At least quarterly, the Finance Director shall report to the Finance Committee on the composition of the LAIF portfolio.

The California Government Code states that moneys placed for deposit in LAIF are in trust in the custody of the State Treasurer and cannot be borrowed or be withheld from the City. Further, the right of the City to withdraw its deposited money from the LAIF upon demand may not be altered, impaired, or denied in any way by any state official or agency based upon the State's failure to adopt a budget by July 1 of each new fiscal year.

**B. Collateralization**

Collateralization shall be required on two types of investments: certificates of deposit and repurchase (and reverse) agreements. A collateral agreement must be current and on file before any funds can be transferred for collateralized certificates of deposit. Collateral shall be held by an independent third party with whom the City has a current written custodial agreement. A clearly marked evidence of ownership (*safekeeping receipt*) must be supplied to the City and retained. The right of collateral substitution is granted.

1. Certificates of Deposit

- a. Government Securities used as collateral require 102 percent of market value to the face amount of the deposit
- b. Promissory Notes secured by first trust deeds used as collateral require 150 percent of market value to the face amount of the deposit
- c. Irrevocable Letters of Credit issued by the Federal Home Loan Bank of San Francisco require 105 percent of market value to the face amount of the deposit

2. Repurchase and Reverse Repurchase Agreements

- a. Only U.S. Treasury securities or Federal Agency securities are acceptable collateral. All securities underlying repurchase agreements must be delivered to the City's custodian bank versus payment or be handled under a properly executed tri-party repurchase agreement. The total market value of all collateral for each repurchase agreement must equal or exceed 102 percent of the total dollar value of the money invested by the City for the term of the investment. For any repurchase agreement with a term of more than 1 day, the value of the underlying securities must be reviewed on an ongoing basis according to market conditions. Market value must be calculated each time there is a substitution of collateral.

**City of Santa Barbara**  
**ANNUAL STATEMENT OF INVESTMENT POLICY**  
**Fiscal Year 2013**

- b. The City or its trustee shall have a perfected first security interest under the Uniform Commercial Code in all securities subject to the repurchase agreement.

**C. Investments Not Approved**

Any security type or structure not specifically approved by this policy is hereby prohibited. Security types, which are thereby prohibited include, but are not limited to: investment pools (except State LAIF), shares of beneficial interest issued by diversified management companies (except U. S. Government money market funds), collateralized mortgage obligations (CMO's), mortgage pass-through securities, reverse repurchase agreements used as a leveraging vehicle, "exotic" derivatives structures such as range notes, dual index notes, inverse floating-rate notes, leveraged or de-leveraged floating-rate notes, interest-only strips that are derived from a pool of mortgages and any security that could result in zero interest accrual if held to maturity, or any other complex variable or structured note with an unusually high degree of volatility or risk.

**D. Exceptions to Prohibited and Restricted Investments**

The City shall not be required to sell securities prohibited or restricted in this policy, or any future policies, or prohibited or restricted by new State regulations, if purchased prior to their prohibition and/or restriction. Insofar as these securities provide no notable credit risk to the City, holding of these securities until maturity is approved. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.

**VIII. INVESTING PARAMETERS**

**A. Diversification**

The City shall diversify its investments by security type, issuer, maturity, and financial institutions. No percentage limitations are established for United States government, United States government agencies and United States government sponsored enterprises; however percentage limitations are established for other permitted investments, as noted in Section VII of this policy. The investments shall be diversified by limiting investments to avoid over concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities), limiting investment in securities that have higher credit risks, and investing in securities with varying maturities.

The City recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Portfolio diversification is employed as a way to control risk. Investment managers are expected to display prudence in the selection of securities as a way to minimize default risk. No individual investment transaction shall be undertaken which jeopardizes the total capital position of the overall portfolio. To control market price risks, volatile investment instruments shall be avoided. To control risks of illiquidity, a minimum of 10 percent of the total portfolio shall be held in

**City of Santa Barbara**  
**ANNUAL STATEMENT OF INVESTMENT POLICY**  
**Fiscal Year 2013**

highly marketable U.S. Treasury Bills and Notes and/or the State of California Local Agency Investment Fund and/or Money Market Funds and/or securities maturing within 90 days.

**B. Maximum Maturities**

To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. Where there is no specified maturity limitation on an investment, no investment shall be made in any security, which, at the time of the investment, has a term remaining to maturity in excess of 5 years, unless the City Council has granted express authority to make that investment no less than 3 months prior to the investment.

In addition to the 5 year limitation on investments specified in this policy, the average maturity of the City's combined portfolio shall not exceed 2.5 years without prior approval of the City Council.

**IX. REPORTING**

The Treasurer shall submit investment reports to the City Council that provide a clear picture of the status of the current investment portfolio and shall contain sufficient information to permit an independent organization to evaluate the performance of the investment program. Based on the discretion of Finance Committee, an independent advisor may be contracted, from time to time to perform one or more of the following functions: confirm that the portfolio is in compliance with the Government Code of the State of California and with the Statement of Investment Policy of the City of Santa Barbara; present an evaluation of the portfolio and investment strategy recommendations; and, provide any other information that may be helpful to Finance Committee in their review of the portfolio.

**A. Monthly Reporting to City Council**

The Treasurer shall submit to City Council, within 30 days following the end of the month, an investment report that summarizes all securities in the portfolio and a separate listing of investment transactions occurring during the month. The report shall be prepared by the Treasury Manager and approved by the Finance Director. The report shall include:

1. Investment type
2. Purchase date
3. Maturity date
4. Credit quality
5. Coupon and yield
6. Book value
7. Market value
8. Book gain/loss

**City of Santa Barbara**  
**ANNUAL STATEMENT OF INVESTMENT POLICY**  
**Fiscal Year 2013**

9. Market gain/loss
10. Source of valuation
11. Average days to maturity
12. Variable rate(s) or call features

**B. Quarterly Reporting to City Council**

In addition to the components required in the monthly investment report, a narrative shall accompany the portfolio report addressing noteworthy items, deviations from the investment policy, comments on the fixed income markets and economic conditions, possible changes in the portfolio going forward, and thoughts on investment strategies. The quarterly report shall also include a statement of compliance with the investment policy and a statement of the ability to meet expenditures for the next 6 months (or an explanation as to why sufficient money shall, or may, not be available).

**C. Performance Standards**

The investment portfolio shall be managed in accordance with the parameters specified within this policy and always with consistently safe and prudent treasury management. Securities shall not be sold prior to maturity with the following exceptions:

- A security with declining credit sold early to minimize loss of principal
- A security swap that would improve the quality, yield, or target duration in the portfolio
- Unforeseen liquidity needs of the portfolio require that the security be sold

**1. Market Yield (Benchmark)**

The City's overall investment strategy is passive: investments are generally held to maturity. The quarter-to-date LAIF apportionment rate, the 3-month U.S. Treasury Bill and the 2-year U.S. Treasury Note shall also be considered useful benchmarks of the City's portfolio performance.

**2. Marking to Market**

The market value of the portfolio shall be calculated at least monthly and a statement of the market value of the portfolio shall be issued at least quarterly. This will ensure that review of the investment portfolio, in terms of value and price volatility, has been performed. In defining market value, consideration shall be given to pronouncements from the Government Accounting Standards Board (GASB) that address the reporting of investment assets and investment income for all investment portfolios held by governmental entities. The fair value of all securities reported in the City's portfolio is based on currently quoted market prices.

City of Santa Barbara  
ANNUAL STATEMENT OF INVESTMENT POLICY  
Fiscal Year 2013

**X. INVESTMENT POLICY COMPLIANCE AND ADOPTION**

**A. Policy Compliance and Changes**

Any deviation from the policy shall be reported to Finance Committee at the next scheduled meeting and to City Council as part of the monthly review of the portfolio. The Treasurer shall promptly notify Finance Committee and City Council of any material change in the policy and any modifications to the policy must be approved by Finance Committee and City Council.

**B. Annual Statement of Investment Policy**

The Treasurer shall render a written Statement of Investment Policy that shall be reviewed at least annually by Finance Committee and City Council to ensure its consistency with the overall objectives of preservation of principal, liquidity and return, and its relevance to current law and financial and economic trends. City Council shall consider the annual Statement of Investment Policy and any changes therein at a public meeting. The Statement of Investment Policy shall be adopted by resolution of City Council.

City of Santa Barbara  
ANNUAL STATEMENT OF INVESTMENT POLICY  
Fiscal Year 2012

GLOSSARY OF INVESTMENT TERMS

**AGENCY:** A debt security issued by a federal or federally sponsored agency. Federal agencies are backed by the full faith and credit of the U.S. Government (i.e. Government National Mortgage Association). Federally sponsored agencies (FSA's) are backed by each particular agency with a market perception that there is an implicit government guarantee (i.e. Federal National Mortgage Association).

**ASK:** The price at which securities are offered for sale; also known as offering price.

**BENCHMARK:** A comparative base for measuring the performance or risk tolerance of the investment portfolio. A benchmark should represent a close correlation to the level of risk and the average duration of the portfolio's investments.

**BID:** The price offered by a buyer of securities. (When you are selling securities, you ask for a bid.)

**BOND PROCEEDS:** The money paid to the issuer by the purchaser or underwriter of a new issue of municipal securities. These moneys are used to finance the project or purpose for which the securities were issued and to pay certain costs of issuance as may be provided in the bond contract.

**BOOK VALUE:** The value at which a debt security is shown on the holder's balance sheet. Book value is often acquisition cost plus/minus amortization and accretion, which may differ significantly from the security's current value in the market.

**BROKER:** Someone who brings buyers and sellers together and is compensated for his/her service.

**CERTIFICATE OF DEPOSIT (CD):** A time deposit with a specific maturity evidenced by a certificate. Large denomination CDs are typically negotiable.

**COLLATERAL:** Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

**COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR):** The official annual financial report for a public agency. It includes combined statements for each individual fund combined statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, extensive introductory material, and detailed statistical section.

**CREDIT QUALITY:** The measurement of the financial strength of a bond issuer. This measurement helps an investor to understand an issuer's ability to make timely interest payments and repay the loan principal upon maturity. Generally, the higher the credit quality of a bond issuer, the lower the interest rate paid by the issuer because the risk of default is lower. Credit quality ratings are provided by a Nationally Recognized Statistical-Rating Organization.

**CREDIT RISK:** The risk to an investor that an issuer will default in the payment of interest and/or principal on a security.

**CUSTODIAN:** A bank or other financial institution that keeps custody of stock certificates and other assets.

**CURRENT YIELD (CURRENT RETURN):** A yield calculation determined by dividing the annual interest received on a security by the current market price of that security.

**DEALER:** A dealer, as opposed to a broker, acts as a principal in all transactions, by buying and selling for his/her own account.

**DELIVERY VERSUS PAYMENT:** There are 2 methods of delivery of securities: delivery versus payment and delivery versus receipt. Delivery versus payment, also referred to as "cash on delivery", is



City of Santa Barbara  
ANNUAL STATEMENT OF INVESTMENT POLICY  
Fiscal Year 2012

GLOSSARY OF INVESTMENT TERMS

delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

**DERIVATIVES:** (1) financial instruments whose return profile is linked to, or derived from, the movement of one or more underlying index or security, and may include a leveraging factor, or (2) financial contracts based upon notional amounts whose value is derived from an underlying index or security (interest rates, foreign exchange rates, equities or commodities).

**DIVERSIFICATION:** Dividing investment funds among a variety of security types by sector, maturity and quality ratings offering independent returns.

**DURATION:** A measure of the timing of the cash flows, such as the interest payments and the principal repayment, to be received from a given fixed-income security. This calculation is based on three variables: term to maturity, coupon rate, and yield to maturity. The duration of a security is a useful indicator of its price volatility for given changes in interest rates.

**FAIR VALUE:** The amount at which an investment could be exchanged in a current transaction between willing parties, other than in a forced or liquidation sale.

**FEDERAL CREDIT AGENCIES:** Agencies of the Federal Government set up to supply credit to various classes of institutions and individuals, e.g., savings and loan associations, small-business firms, students, farmers, farm co-operatives, and exporters.

**FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC):** The federal agency that insures bank deposits up to \$250,000 per deposit at participating banking institutions. In an effort to increase consumer confidence in the banking system, the previous \$100,000 insurance limit was temporarily increased to \$250,000 in 2008, extended to 2013, and then permanently increased on July 21, 2010 with the passage of the Wall Street Reform and Consumer Protection Act.

**FEDERAL HOME LOAN BANKS (FHLB):** Government sponsored wholesale banks (currently 12 regional banks) that lend funds and provide correspondent banks services to member commercial banks, thrift institutions, credit unions and insurance companies.

**FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA):** FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages.

**FEDERAL OPEN MARKET COMMITTEE (FOMC):** Consists of 7 members of the Federal Reserve Board and 5 of the 12 Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member, while the other Presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open market as a means of influencing the volume of bank credit and money.

**FEDERAL RESERVE SYSTEM:** The central bank of the United States created by Congress and consisting of a 7 member Board of Governors in Washington, D.C., 12 Regional Banks and approximately 5,700 commercial banks that are members of the system.

**GOVERNMENT ACCOUNTING STANDARDS BOARD (GASB):** A standard-setting body, associated with the Financial Accounting Foundation, which prescribes standard accounting practices for governmental units.

**GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA or Ginnie Mae):** Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers,

City of Santa Barbara  
ANNUAL STATEMENT OF INVESTMENT POLICY  
Fiscal Year 2012

GLOSSARY OF INVESTMENT TERMS

commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA, or FMHA mortgages. The term "pass-throughs" is often used to describe Ginnie Maes.

**GOVERNMENT SECURITIES:** An obligation of the U.S. government, backed by the full faith and credit of the government. These securities are regarded as the highest quality of investment securities available in the U.S. securities market. See "Treasury Bills, Notes, and Bonds."

**INTEREST RATE RISK:** The risk associated with declines or rises in interest rates which cause an investment in a fixed-income security to increase or decrease in value.

**INTERNAL CONTROLS:** An internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure is designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that 1) the cost of a control should not exceed the benefits likely to be derived and 2) the valuation of costs and benefits requires estimates and judgments by management. Internal controls should address the following points:

- **Control of collusion** - Collusion is a situation where 2 or more employees are working in conjunction to defraud their employer.
- **Separation of transaction authority from accounting and record keeping** - By separating the person who authorizes or performs the transaction from the people who record or otherwise account for the transaction, a separation of duties is achieved.
- **Custodial safekeeping** - Securities purchased from any bank or dealer including appropriate collateral (as defined by state law) shall be placed with an independent third party for custodial safekeeping.
- **Avoidance of physical delivery securities** - Book-entry securities are much easier to transfer and account for since actual delivery of a document never takes place. Delivered securities must be properly safeguarded against loss or destruction. The potential for fraud and loss increases with physically delivered securities.
- **Clear delegation of authority to subordinate staff members** - Subordinate staff members must have a clear understanding of their authority and responsibilities to avoid improper actions. Clear delegation of authority also preserves the internal control structure that is contingent on the various staff positions and their respective responsibilities.
- **Written confirmation of transactions for investments and wire transfers** - Due to the potential for error and improprieties arising from telephone and electronic transactions, all transactions should be supported by written communications and approved by the appropriate person. Written communications may be via fax if on letterhead and if the safekeeping institution has a list of authorized signatures.
- **Development of a wire transfer agreement with the lead bank and third-party custodian** - The designated official should ensure that an agreement will be entered into and will address the following points: controls, security provisions, and responsibilities of each party making and receiving wire transfers.

**LIQUIDITY:** A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

**LOCAL AGENCY INVESTMENT FUND (LAIF):** Chapter 730, Statutes of 1976 of the State of California, established the Local Agency Investment Fund. This fund enables local governmental

City of Santa Barbara  
ANNUAL STATEMENT OF INVESTMENT POLICY  
Fiscal Year 2012

GLOSSARY OF INVESTMENT TERMS

agencies to remit money not required for immediate needs to the State Treasurer for the purpose of investment. In order to derive the maximum rate of return possible, the State Treasurer has elected to invest these monies with State monies as a part of the Pooled Money Investment Account. Each local governmental unit has the exclusive determination of the length of time its money will be on deposit with the State Treasurer. At the end of each calendar quarter, all earnings derived from investments are distributed by the State Controller to the participating government agencies in proportion to each agency's respective amounts deposited in the Fund and the length of time such amounts remained therein. Prior to the distribution, the State's costs of administering the program are deducted from the earnings.

**MARK-TO-MARKET:** The process whereby the book value or collateral value of a security is adjusted to reflect its current market value.

**MARKET RISK:** The risk that the value of a security will increase or decrease as a result of changes in market conditions.

**MARKET VALUE:** The current price at which a security is trading and could presumably be purchased or sold at that particular point in time.

**MASTER REPURCHASE AGREEMENT:** A written contract covering all future transactions between the parties to repurchase-reverse repurchase agreements that establish each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

**MATURITY:** The date upon which the principal or stated value of a financial obligation is due and payable.

**MONEY MARKET MUTUAL FUND:** Mutual funds that invest solely in money market instruments (short-term debt instruments, such as Treasury bills, commercial paper, bankers' acceptances, repos and federal funds).

**MUTUAL FUND:** An investment company that pools money and can invest in a variety of securities, including fixed-income securities and money market instruments. Mutual funds are regulated by the Investment Company Act of 1940 and must abide by Securities and Exchange Commission (SEC) disclosure guidelines.

**NATIONAL ASSOCIATION OF SECURITIES DEALERS (NASD):** A self-regulatory organization (SRO) of brokers and dealers in the over-the-counter securities business. Its regulatory mandate includes authority over firms that distribute mutual fund shares as well as other securities.

**NATIONALLY RECOGNIZED STATISTICAL-RATING ORGANIZATION (NRSRO):** Standard and Poor's, Moody's, and Fitch Financial Services are examples of such organizations.

**OFFER:** An indicated price at which market participants are willing to sell a security or commodity. Also referred to as the "Ask" or "Ask Price".

**PAR VALUE:** The amount of principal that must be paid at maturity. Also referred to as the face amount of a bond, normally quoted in \$1,000 increments per bond.

**PORTFOLIO:** Combined holding of more than one stock, bond, commodity, real estate investment, cash equivalent, or other asset. The purpose of a portfolio is to reduce risk by diversification.

**PRINCIPAL:** The face value or par value of a debt instrument, or the amount of capital invested in a given security.

City of Santa Barbara  
ANNUAL STATEMENT OF INVESTMENT POLICY  
Fiscal Year 2012

GLOSSARY OF INVESTMENT TERMS

**PRIMARY DEALER:** A group of government securities dealers who submit daily reports of market activity and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC) registered securities broker/dealers, banks and a few unregulated firms.

**PRINCIPAL:** (1) The face amount or par value of a debt instrument. (2) One who acts as a dealer buying and selling for his own account.

**RATE OF RETURN:** The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

**REINVESTMENT RISK:** The risk that a fixed-income investor will be unable to reinvest income proceeds from a security holding at the same rate of return currently generated by that holding.

**REPURCHASE AGREEMENT (RP OR REPO):** A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate the buyer for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money that is increasing bank reserves.

**REVERSE REPURCHASE AGREEMENT:** An agreement of one party (for example, a financial institution) to purchase securities at a specified price from a second party (such as a public agency) and a simultaneous agreement by the first party to resell the securities at a specified price to the second party on demand or at a specific date.

**RISK:** Degree of uncertainty of return on an asset.

**RULE 2A-7 OF THE INVESTMENT COMPANY ACT:** Applies to all money market mutual funds and mandates such funds to maintain certain standards, including a 13-month maturity limit and a 90-day average maturity on investments, to help maintain a constant net asset value of \$1.00.

**SAFEKEEPING SERVICE:** A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vault for protection and security.

**SECONDARY MARKET:** A market is made for the purchase and sale of outstanding issues following the initial distribution.

**SECURITIES LENDING:** An agreement under which a local agency agrees to transfer securities to a borrower who, in turn, agrees to provide collateral to the local agency. During the term of the agreement, both the securities and the collateral are held by a third party. At the conclusion of the agreement, the securities are transferred back to the local agency in return for the collateral.

**STRUCTURED NOTES:** Notes issued by Government Sponsored Enterprises, (FLAB, FNMA, SLMA, etc.), and Corporations that have imbedded options, (e.g., call features, step-up coupons, floating rate coupons, derivative-based returns), into their debt structure. Their market performance is impacted by the fluctuation of interest rates, the volatility of the imbedded options and shifts in the shape of the yield curve.

**SWAP:** Trading one asset for another.

**TOTAL RETURN:** The sum of all investment income plus changes in the capital value of the portfolio.

**TREASURY BILLS:** Short-term U.S. government non-interest bearing discounted debt securities with maturities of no longer than 1 year and issued in minimum denominations of \$10,000. Auctions of 3- and 6-month bills are weekly, while auctions of 1-year bills are monthly. The yields on these bills are monitored closely in the money markets for signs of interest rate trends.

City of Santa Barbara  
ANNUAL STATEMENT OF INVESTMENT POLICY  
Fiscal Year 2012

GLOSSARY OF INVESTMENT TERMS

**TREASURY BOND:** A long-term coupon-bearing U.S. Treasury security issued as a direct obligation of the U.S. Government and having an initial maturity of more than 10 years and issued in minimum denominations of \$1,000.

**TREASURY NOTE:** A medium-term coupon-bearing U.S. Treasury security issued as a direct obligation of the U.S. Government and having an initial maturity of from 1 to 10 years and issued in denominations ranging from \$1,000 to \$1 million or more.

**UNIFORM NET CAPITAL RULE:** Securities and Exchange Commission (SEC) Rule 15C3-1 outlining requirements that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

**VOLATILITY:** A degree of fluctuation in the price and valuation of securities.

**YIELD:** The current rate of return on an investment security generally expressed as a percentage of the security's current price. (a) **INCOME YIELD** is obtained by dividing the current dollar income by the current market price for the security. (b) **NET YIELD** or **YIELD TO MATURITY** is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.



# **CITY OF SANTA BARBARA**

## **COUNCIL AGENDA REPORT**

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** Treasury Division, Finance Department

**SUBJECT:** May 2012 Investment Report

**RECOMMENDATION:**

That Council accept the May 2012 Investment Report.

**DISCUSSION:**

The attached investment report includes Investment Activity, Interest Revenue, a Summary of Cash and Investments, and Investment Portfolio detail as of May 31, 2012.

**ATTACHMENT:** May 2012 Investment Report

**PREPARED BY:** Jill Taura, Treasury Manager

**SUBMITTED BY:** Robert Samario, Finance Director

**APPROVED BY:** City Administrator's Office

**CITY OF SANTA BARBARA**  
**Activity and Interest Report**  
**May 31, 2012**

**INVESTMENT ACTIVITY**

**PURCHASES OR DEPOSITS**

5/4 LAIF Deposit - City	\$ 3,000,000
5/10 LAIF Deposit - City	3,000,000
5/14 LAIF Deposit - City	2,000,000
5/24 Federal Home Loan Mortgage Corp (FHLMC)	2,000,000
5/29 LAIF Deposit - City	<u>10,000,000</u>
<b>Total</b>	<b>\$ 20,000,000</b>

**SALES, MATURITIES, CALLS OR WITHDRAWALS**

5/2 LAIF Withdrawal - City	\$ (4,000,000)
5/9 Federal Home Loan Mortgage Corp (FHLMC) - Call	(2,000,000)
5/16 LAIF Withdrawal - City	(4,000,000)
5/23 Federal Farm Credit Bank (FFCB) - Call	(2,000,000)
5/30 LAIF Withdrawal - City	(6,000,000)
5/31 LAIF Withdrawal - City	<u>(3,000,000)</u>
<b>Total</b>	<b>\$ (21,000,000)</b>

**ACTIVITY TOTAL**

**\$ (1,000,000)**

**INVESTMENT INCOME**

**POOLED INVESTMENTS**

**INTEREST INCOME**

Interest Earned on Investments	\$ 220,887
Amortization	(14,888)
Interest on SBB&T Accounts	<u>276</u>
<b>Total</b>	<b>\$ 206,275</b>

**REDEVELOPMENT SUCCESSOR AGENCY INVESTMENTS**

Interest Earned on Investments (LAIF)	<u><u><b>\$ 2,775</b></u></u>
---------------------------------------	-------------------------------

**INCOME TOTAL**

**\$ 209,050**

**CITY OF SANTA BARBARA**  
**Summary of Cash and Investments**  
**May 31, 2012**

**ENDING BALANCE AS OF APRIL 30, 2012**

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
State of California LAIF	\$ 45,000,000	0.367%	26.57%	1
Certificates of Deposit	2,000,000	0.800%	1.18%	566
Federal Agency Issues - Coupon	106,422,246	1.689%	62.84%	1,124
Corporate/Medium Term Notes	10,060,554	1.948%	5.94%	1,224
	163,482,800	1.330%	96.53%	814
SB Airport Promissory Note	5,877,335	7.000%	3.47%	6,269
Totals and Averages	\$ 169,360,135	1.527%	100.00%	1,004
SBB&T Money Market Account	4,065,195			
<b>Total Cash and Investments</b>	<b>\$ 173,425,330</b>			

**NET CASH AND INVESTMENT ACTIVITY FOR MAY 2012**                      **\$ 4,411,273**

**ENDING BALANCE AS OF MAY 31, 2012**

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
State of California LAIF	\$ 46,000,000	0.363%	27.32%	1 (1)
Certificates of Deposit	2,000,000	0.800%	1.19%	535
Federal Agency Issues - Coupon	104,408,712	1.671%	62.02%	1,093
Corporate/Medium Term Notes	10,059,200	1.948%	5.98%	1,193
	162,467,912	1.307%	96.51%	783
SB Airport Promissory Note	5,877,335	7.000%	3.49%	6,238
Totals and Averages	\$ 168,345,246	1.506%	100.00%	974
SBB&T Money Market Account	9,491,357			
<b>Total Cash and Investments</b>	<b>\$ 177,836,603</b>			

Note:

(1) The average life of the LAIF portfolio as of May 31, 2012 is 224 days.



**CITY OF SANTA BARBARA**  
**Investment Portfolio**  
**May 31, 2012**

	PURCHASE	MATURITY	QUALITY RATING		STATED	YIELD AT	FACE	BOOK	MARKET	BOOK	
DESCRIPTION	DATE	DATE	MOODY'S	S & P	RATE	365	VALUE	VALUE	VALUE	GAIN/(LOSS)	COMMENTS
LOCAL AGENCY INVESTMENT FUNDS											
LOCAL AGENCY INVESTMENT FUND	-	-	-	-	0.363	0.363	37,000,000.00	37,000,000.00	37,000,000.00	0.00	
LOCAL AGENCY INV FUND/RDAS	-	-	-	-	0.363	0.363	9,000,000.00	9,000,000.00	9,000,000.00	0.00	
Subtotal, LAIF							46,000,000.00	46,000,000.00	46,000,000.00	0.00	
CERTIFICATES OF DEPOSIT											
MONTECITO BANK & TRUST	11/18/11	11/18/13	-	-	0.800	0.800	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
Subtotal, Certificates of deposit							2,000,000.00	2,000,000.00	2,000,000.00	0.00	
FEDERAL AGENCY ISSUES - COUPON											
FEDERAL FARM CREDIT BANK	02/10/11	02/10/14	Aaa	AA+	1.375	1.375	2,000,000.00	2,000,000.00	2,033,860.00	33,860.00	
FEDERAL FARM CREDIT BANK	03/01/12	03/01/17	Aaa	AA+	1.260	1.260	2,000,000.00	2,000,000.00	2,008,760.00	8,760.00	Callable 03/01/13, then cont.
FEDERAL FARM CREDIT BANK	03/05/09	03/04/13	Aaa	AA+	2.600	2.600	2,000,000.00	2,000,000.00	2,036,420.00	36,420.00	
FEDERAL FARM CREDIT BANK	05/08/09	04/08/13	Aaa	AA+	2.200	2.200	2,000,000.00	2,000,000.00	2,033,980.00	33,980.00	
FEDERAL FARM CREDIT BANK	06/19/09	06/18/12	Aaa	AA+	2.125	2.125	2,000,000.00	2,000,000.00	2,001,880.00	1,880.00	
FEDERAL FARM CREDIT BANK	02/16/11	02/16/16	Aaa	AA+	2.570	2.570	2,000,000.00	2,000,000.00	2,136,500.00	136,500.00	
FEDERAL HOME LOAN BANK	03/04/09	06/08/12	Aaa	AA+	4.375	2.110	1,700,000.00	1,700,719.57	1,701,411.00	691.43	
FEDERAL HOME LOAN BANK	04/15/10	10/15/13	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,047,640.00	47,640.00	
FEDERAL HOME LOAN BANK	08/05/10	09/12/14	Aaa	AA+	1.375	1.375	2,000,000.00	2,000,000.00	2,044,100.00	44,100.00	
FEDERAL HOME LOAN BANK	09/17/09	12/13/13	Aaa	AA+	3.125	2.440	2,000,000.00	2,019,825.07	2,087,020.00	67,194.93	
FEDERAL HOME LOAN BANK	01/15/10	10/30/12	Aaa	AA+	1.700	1.700	2,000,000.00	2,000,000.00	2,013,040.00	13,040.00	
FEDERAL HOME LOAN BANK	04/05/10	11/29/13	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,051,420.00	51,420.00	
FEDERAL HOME LOAN BANK	06/29/10	10/29/12	Aaa	AA+	1.125	1.125	2,000,000.00	2,000,000.00	2,008,220.00	8,220.00	
FEDERAL HOME LOAN BANK	05/28/10	05/28/15	Aaa	AA+	2.000	2.653	2,000,000.00	2,000,000.00	2,015,460.00	15,460.00	SU 3.35%, Callable 11/28/12, once
FEDERAL HOME LOAN BANK	09/26/11	08/28/13	Aaa	AA+	1.000	0.381	1,000,000.00	1,007,654.55	1,009,320.00	1,665.45	
FEDERAL HOME LOAN BANK	09/17/09	09/13/13	Aaa	AA+	4.375	2.272	2,000,000.00	2,051,321.89	2,105,660.00	54,338.11	
FEDERAL HOME LOAN BANK	02/22/10	12/13/13	Aaa	AA+	3.125	2.130	2,000,000.00	2,029,142.06	2,087,020.00	57,877.94	
FEDERAL HOME LOAN BANK	03/26/10	06/08/12	Aaa	AA+	1.375	1.325	2,000,000.00	2,000,019.09	2,000,500.00	480.91	
FEDERAL HOME LOAN BANK	02/09/11	01/29/15	Aaa	AA+	1.750	1.750	2,000,000.00	2,000,000.00	2,067,200.00	67,200.00	
FEDERAL HOME LOAN BANK	04/15/11	05/27/15	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,087,480.00	87,480.00	
FEDERAL HOME LOAN BANK	09/26/11	10/30/13	Aaa	AA+	2.000	0.400	1,500,000.00	1,533,760.07	1,536,705.00	2,944.93	
FEDERAL HOME LOAN BANK	02/28/12	02/28/17	Aaa	AA+	1.250	1.250	5,000,000.00	5,000,000.00	5,003,750.00	3,750.00	Callable 06/28/12, then monthly
FEDERAL HOME LOAN MTG CORP	10/19/11	10/19/16	Aaa	AA+	1.500	1.500	2,000,000.00	2,000,000.00	2,003,300.00	3,300.00	Callable 07/19/12, then qtrly
FEDERAL HOME LOAN MTG CORP	03/28/12	03/28/17	Aaa	AA+	1.210	1.210	2,000,000.00	2,000,000.00	2,005,200.00	5,200.00	Callable 03/28/13, once
FEDERAL HOME LOAN MTG CORP	09/03/09	09/21/12	Aaa	AA+	2.125	1.699	2,000,000.00	2,002,524.59	2,012,220.00	9,695.41	
FEDERAL HOME LOAN MTG CORP	01/06/11	02/25/14	Aaa	AA+	1.375	1.375	2,000,000.00	2,000,000.00	2,035,960.00	35,960.00	
FEDERAL HOME LOAN MTG CORP	03/28/12	03/28/17	Aaa	AA+	1.350	1.350	2,000,000.00	2,000,000.00	2,029,440.00	29,440.00	Callable 03/28/14, once
FEDERAL HOME LOAN MTG CORP	09/28/11	09/28/16	Aaa	AA+	1.400	1.400	2,000,000.00	2,000,000.00	2,006,360.00	6,360.00	Callable 09/28/12, once
FEDERAL HOME LOAN MTG CORP	02/21/12	02/21/17	Aaa	AA+	1.300	1.300	2,000,000.00	2,000,000.00	2,020,740.00	20,740.00	Callable 02/21/14, once

# CITY OF SANTA BARBARA

## Investment Portfolio

May 31, 2012

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING		STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
FEDERAL HOME LOAN MTG CORP	04/23/12	04/17/15	Aaa	AA+	0.500	0.534	2,000,000.00	1,998,051.47	1,998,840.00	788.53	
FEDERAL HOME LOAN MTG CORP	05/24/12	05/24/17	Aaa	AA+	1.200	1.200	2,000,000.00	2,000,000.00	1,999,500.00	(500.00)	Callable 05/24/13, then qtrly
FEDERAL HOME LOAN MTG CORP	06/09/09	08/17/12	Aaa	AA+	1.000	2.420	2,000,000.00	1,994,261.60	2,003,120.00	8,858.40	
FEDERAL HOME LOAN MTG CORP	02/11/11	04/02/14	Aaa	AA+	4.500	1.615	2,000,000.00	2,102,861.18	2,148,940.00	46,078.82	
FEDERAL HOME LOAN MTG CORP	10/03/11	10/03/16	Aaa	AA+	1.000	1.612	2,000,000.00	2,000,000.00	2,001,100.00	1,100.00	SU 2.25% Callable 07/03/12, then qtrly
FEDERAL NATL MORTGAGE ASSN	09/28/11	09/28/16	Aaa	AA+	1.000	1.401	1,000,000.00	999,837.50	1,001,880.00	2,042.50	SU 1%-3%, Call 09/28/12, then qtrly
FEDERAL NATL MORTGAGE ASSN	11/09/11	11/09/16	Aaa	AA+	1.500	1.807	2,000,000.00	1,999,780.56	2,011,120.00	11,339.44	SU 1.5%-3.5%, Call 11/09/12, then qtrly
FEDERAL NATL MORTGAGE ASSN	12/28/11	12/28/16	Aaa	AA+	1.125	1.641	2,000,000.00	2,000,000.00	2,006,680.00	6,680.00	SU 2% Callable 12/28/12, then qtrly
FEDERAL NATL MORTGAGE ASSN	06/07/11	03/07/16	Aaa	AA+	2.075	2.075	2,000,000.00	2,000,000.00	2,000,580.00	580.00	Callable 06/07/12, once
FEDERAL NATL MORTGAGE ASSN	09/28/11	09/28/16	Aaa	AA+	1.300	1.475	2,000,000.00	2,000,000.00	2,001,780.00	1,780.00	SU 1.3%-2.25%, Call 06/28/12, then qtrly
FEDERAL NATL MORTGAGE ASSN	10/28/11	10/28/16	Aaa	AA+	1.500	1.521	2,000,000.00	1,998,591.67	2,025,260.00	26,668.33	Callable 10/28/13, once
FEDERAL NATL MORTGAGE ASSN	01/25/12	01/25/17	Aaa	AA+	1.000	1.256	2,000,000.00	1,999,350.00	2,008,300.00	8,950.00	SU 1.5%, Callable 01/25/13, then qtrly
FEDERAL NATL MORTGAGE ASSN	08/10/10	08/10/15	Aaa	AA+	2.000	2.055	2,000,000.00	1,999,501.67	2,006,160.00	6,658.33	Callable 08/10/12, once
FEDERAL NATL MORTGAGE ASSN	11/17/10	11/17/14	Aaa	AA+	1.300	1.300	2,000,000.00	2,000,000.00	2,041,740.00	41,740.00	
FEDERAL NATL MORTGAGE ASSN	06/27/11	06/27/16	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,028,560.00	28,560.00	Callable 06/27/13, once
FEDERAL NATL MORTGAGE ASSN	04/12/12	04/12/17	Aaa	AA+	1.400	1.400	2,000,000.00	2,000,000.00	2,013,500.00	13,500.00	Callable 04/12/13, then qtrly
FEDERAL NATL MORTGAGE ASSN	12/28/11	12/28/16	Aaa	AA+	1.625	1.625	2,000,000.00	2,000,000.00	2,012,460.00	12,460.00	Callable 12/28/12, once
FEDERAL NATL MORTGAGE ASSN	03/28/12	03/28/17	Aaa	AA+	1.125	1.332	2,000,000.00	2,000,000.00	2,011,300.00	11,300.00	SU 1.125%-2.25%, Call 03/28/13, then qtrly
FEDERAL NATL MORTGAGE ASSN	09/21/10	09/21/15	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,085,980.00	85,980.00	
FEDERAL NATL MORTGAGE ASSN	12/10/10	10/26/15	Aaa	AA+	1.625	2.067	2,000,000.00	1,971,509.68	2,067,320.00	95,810.32	
FEDERAL NATL MORTGAGE ASSN	04/18/11	04/18/16	Aaa	AA+	2.500	2.500	2,000,000.00	2,000,000.00	2,035,860.00	35,860.00	Callable 04/18/13, once
FEDERAL NATL MORTGAGE ASSN	01/30/12	01/30/17	Aaa	AA+	1.300	1.300	2,000,000.00	2,000,000.00	2,010,560.00	10,560.00	Callable 01/30/13, then qtrly
FEDERAL NATL MORTGAGE ASSN	04/24/12	04/24/17	Aaa	AA+	1.500	1.500	2,000,000.00	2,000,000.00	2,008,140.00	8,140.00	Callable 10/24/12, then qtrly
<b>Subtotal, Federal Agencies</b>							<b>104,200,000.00</b>	<b>104,408,712.22</b>	<b>105,759,246.00</b>	<b>1,350,533.78</b>	
<b>CORPORATE/MEDIUM TERM NOTES</b>											
BERKSHIRE HATHAWAY FIN	12/15/10	12/15/15	Aa2	AA+	2.450	2.530	2,000,000.00	1,994,691.67	2,089,560.00	94,868.33	
GENERAL ELECTRIC CAPITAL CORP	11/10/10	11/09/15	A1	AA+	2.250	2.250	2,000,000.00	2,000,000.00	2,026,380.00	26,380.00	
GENERAL ELECTRIC CAPITAL CORP	01/07/11	01/07/14	A1	AA+	2.100	2.100	2,000,000.00	2,000,000.00	2,027,420.00	27,420.00	
PROCTOR & GAMBLE	09/20/11	11/15/15	Aa3	AA-	1.800	1.085	2,000,000.00	2,048,179.00	2,074,680.00	26,501.00	
TOYOTA MOTOR CREDIT	09/26/11	09/15/16	Aa3	AA-	2.000	1.800	2,000,000.00	2,016,328.94	2,037,100.00	20,771.06	
<b>Subtotal, Corporate Securities</b>							<b>10,000,000.00</b>	<b>10,059,199.61</b>	<b>10,255,140.00</b>	<b>195,940.39</b>	
<b>SB AIRPORT PROMISSORY NOTE (LT)</b>											
SANTA BARBARA AIRPORT	07/14/09	06/30/29	-	-	7.000	7.000	5,877,334.65	5,877,334.65	5,877,334.65	0.00	
<b>Subtotal, SBA Note</b>							<b>5,877,334.65</b>	<b>5,877,334.65</b>	<b>5,877,334.65</b>	<b>0.00</b>	
<b>TOTALS</b>							<b>168,077,334.65</b>	<b>168,345,246.48</b>	<b>169,891,720.65</b>	<b>1,546,474.17</b>	

Market values have been obtained from the City's safekeeping agent, Santa Barbara Bank and Trust (SBB&T). SBB&T uses Interactive Data Pricing Service, Bloomberg and DTC.



Agenda Item No. \_\_\_\_\_

File Code No. 520.04

# **CITY OF SANTA BARBARA**

## **COUNCIL AGENDA REPORT**

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** Chief's Staff, Police Department

**SUBJECT:** Police Department Update

### **RECOMMENDATION:**

That Council receive an oral presentation from the Police Chief regarding the Santa Barbara Police Department.

### **DISCUSSION:**

As requested by the Mayor and City Council, beginning on December 6, 2011, Police Chief Cam Sanchez will give an oral presentation to Council regarding the status of the Police Department and its operations. This presentation will be part of a series of updates and will occur on a periodic basis.

**PREPARED BY:** Chief Sanchez, Police Chief

**SUBMITTED BY:** Cam Sanchez, Chief of Police

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Hearing To Vacate The Portion Of Ealand Place Most Severely Damaged By The Conejo Area Landslide

**RECOMMENDATION:** That Council:

- A. Hear all persons interested in or objecting to the proposed non-summary vacation and abandonment of the portion of Ealand Place most severely damaged by the Conejo area landslide; and
- B. Find that the subject portion of Ealand Place is not necessary for present or prospective public street purposes, and that it is in the public interest to vacate the subject portion of Ealand Place, and adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara, California, Ordering the Non-Summary Vacation and Abandonment of the Portion of Ealand Place Most Severely Damaged by the Conejo Area Landslide Within the City Limits of Said City, and Providing for the Recordation of This Resolution.

### DISCUSSION:

On June 6, 2012, and on June 13, 2012, public notices titled "Notice of Non-Summary Vacation of a Public Street In the Vicinity of Ealand Place" (Notice) were caused to be published by the City Clerk of the City of Santa Barbara in the Montecito Journal, a daily newspaper of general circulation. On June 7, 2012, three copies of the Notice were posted conspicuously by City staff along Ealand Place. The Notice stated the City's intent to hold this public hearing in order to hear evidence of all interested parties pertaining to the proposed vacation of a portion of Ealand Place, which has been severely damaged by the ongoing Conejo area landslide. The portion of Ealand Place proposed to be vacated is shown on Attachment 1.

In 1931, the map of the Sycamore Terrace Tract depicted Ealand Place. At that time, Ealand Place was shown as a portion of Parcel A on said map, constituting roads originally "not offered for dedication nor dedicated for public use." The intended non-public roads within the area are now known as Ealand Place, a portion of Conejo Road, and a portion of Sherman Road. The current owner of the lands underlying the roadway area shown as Parcel A on the Sycamore Terrace Tract map is not known.

In 1939, a public road easement was granted to the City for the use of Conejo Road within the area. Subsequently, on February 24, 1955, Council Resolution No. 2737 adopted "Official Map No. 1955-1 of Undedicated Streets in the City of Santa Barbara", which asserted rights by the City to maintain many undedicated streets then in use by the general public within the City, including Ealand Place.

During the past few decades, the very unstable slopes within the Conejo Landslide Area have caused extensive damage to water, sewer, and roadway improvements, including the affected portion of the Ealand Place Cul-de-Sac. In 1984, a landslide mass was clearly identified within the Sycamore Vista Track, which includes the subject area of Ealand Place. Subsequently, the City Council adopted revisions to the Municipal Code to further control development within the identified landslide, Slide Mass C. At the same time the City set up a survey network to monitor the movements of the landslide. After the record rainfall of 1998, the landslide again moved significantly, causing the abandonment of several building sites within the landslide mass, including some sites on Ealand Place. Last spring, in 2011, the landslide mass again moved significantly. Consequently, it is no longer feasible to repair, maintain, and use the most damaged portion of Ealand Place as a public street (see Attachment 2). It is therefore recommended to vacate the City's interest within the portion of Ealand Place, shown on Attachment 1, in order to reduce traffic flow and reduce the potential for vehicle damage and possible injuries within the damaged area.

If the City's interest in the damaged portion of Ealand Place is vacated, the occupants and owners of lots along that portion of the road will still be entitled to use the vacated street as their private property for necessary ingress and egress. There are six parcels located within the cul de sac of Ealand Place that will be affected by the abandonment. These parcels are identified as 17, 21, 22, 27, and 29 Ealand Place, and a parcel with no site address which is identified as APN 019-061-032 (see Attachment 3). Presently, 22 Ealand Place is the only existing single family residence within the cul de sac itself. No residence has ever been constructed on APN 019-061-032. The five parcels off of the end of Ealand Place are vacant, and of those five parcels, three parcels (21, 27 and 29 Ealand Place) are now owned by a non-profit open space conservancy known as the Conejo Landslide Open Space Demonstration Garden, Inc. The City assisted the involved property owners in forming this nonprofit open space area in the late 1990s and this allowed the owners to receive compensation for their parcels in return for a permanent covenant dedicating the parcels as open space. No current building permit applications have been submitted by the owner(s) of APN 019-061-032 or 17 Ealand Place.

Environmental review has been done to evaluate the proposed vacation of the damaged portion of Ealand Place. The proposed vacation is Categorically Exempt under CEQA.

The various franchise utility companies that provide utility services to customers within the City have been notified about the proposed vacation of the damaged portion of Ealand Place. Based on responses received, the resolution proposed to describe and

vacate the portion of Ealand Place contains specific reservation of rights for the continuing use and maintenance of any necessary franchise utilities by their respective owners.

**BUDGET/FINANCIAL INFORMATION:**

The portion of Ealand Place proposed to be vacated is within the area commonly referred to as Slide Mass C of the Conejo Area Landslide. This area is experiencing frequent earth movement that is not expected to stop in the foreseeable future. Damage to the roadway is very visible. Survey measurements and buried instruments continue to document surface and subsurface movements. The costs of any attempt to partially rehabilitate the damaged portion of Ealand Place may exceed \$325,000. Such remedial work is expected to be temporary. The ground is anticipated to continue to subside. The City is moving forward with what is expected to be a temporary repair of the adjacent Conejo Road, which is a connector road between the Las Alturas Road neighborhood and Sycamore Canyon Road. As part of the Engineering design process, the City completed a conceptual design and cost estimate for long-term rehabilitation of Ealand Place, which is estimated to be in the range of \$3.5 to \$4.5 Million.

**ATTACHMENT(S):** 1. Site Map - Vacation of a Portion of Ealand Place  
2. Ealand Place Photos  
3. Ealand Place Abandonment

**PREPARED BY:** Pat Kelly, Assistant Public Works Director/City Engineer/DI/sk

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office





1



Facing south on Ealand Place



Storm drain inlet on downhill side of cul-de-sac



Alternate view of storm drain inlet on downhill side of cul-de-sac



Sewer manhole

Survey point has moved 12.5 feet horizontally and dropped 5.5 feet vertically since 1998. Over 4' of the horizontal movement and nearly 2' of the vertical movement have occurred since June 2010.



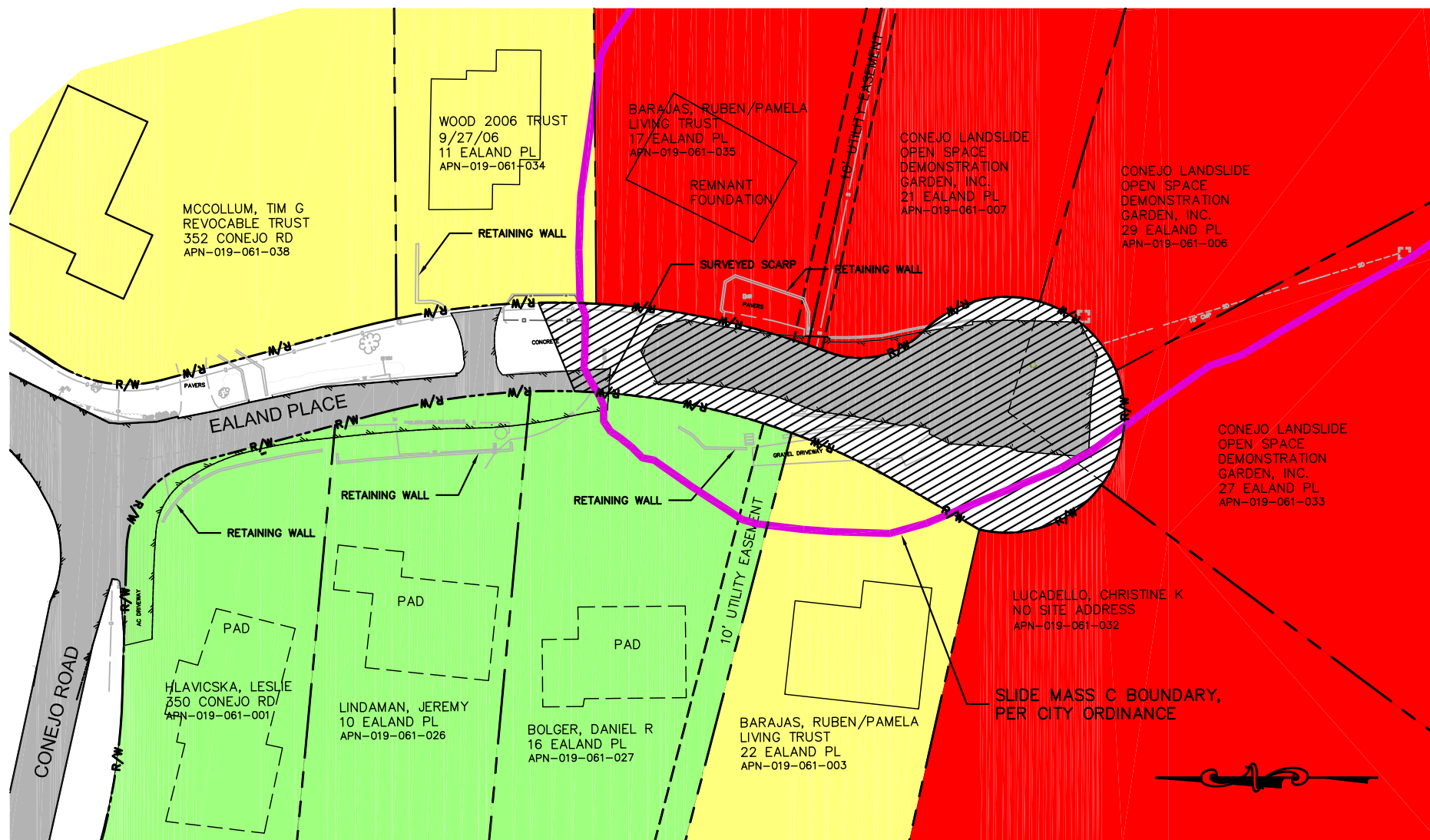


April 2012  
Facing south on Ealand Place

April 2012  
Facing south on Ealand Place;  
view of scarp



August 2011  
Facing south on Ealand Place;  
view of scarp



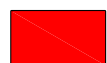
Proposed Abandonment Limits



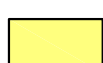
In plan check



Asphalt Pavement



No existing structure



Existing structure

NOT TO SCALE



## Ealand Place Abandonment

### City of Santa Barbara

Drawn By:  
AS

Date:  
June 2012

# Attachment 3

RECORDING REQUESTED BY	)
AND WHEN RECORDED MAIL TO:	)
	)
City of Santa Barbara	)
City Clerk	)
P.O. Box 1990	)
Santa Barbara, CA 93102-1990	)
	)
	) No fee per STS & HWY CODE 8325

---

Space above line for Recorder's Use

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
 SANTA BARBARA, CALIFORNIA, ORDERING THE  
 NON-SUMMARY VACATION AND ABANDONMENT  
 OF THE PORTION OF EALAND PLACE MOST  
 SEVERELY DAMAGED BY THE CONEJO AREA  
 LANDSLIDE WITHIN THE CITY LIMITS OF SAID  
 CITY, AND PROVIDING FOR THE RECORDATION  
 OF THIS RESOLUTION

### RECITALS

A. The City of Santa Barbara has caused the publication of a Notice of Non-Summary Vacation of a Public Street in the Vicinity of Ealand Place, hereinafter referred to as the "Notice of Vacation," stating its intention to vacate and abandon a certain portion of Ealand Place, a public street, within the City Limits of said City, which portion of Ealand Place has been severely damaged by the Conejo Area Landslide, and is hereinafter referred to as the "Damaged Street"; and

B. Said Council on June 26, 2012, during the regular Council meeting held at 2:00 p.m. of said day, held a hearing upon said proposed vacation and abandonment of the Damaged Street for all persons interested in or objecting to the same, which said hearing was duly noticed and held pursuant to Division 9, Part 3 (Sections 8300 et seq.) of the Streets and Highways Code of the State of California as amended;

C. The Council of said City has heretofore caused copies of the Notice of Vacation to be posted conspicuously at and near the entrance to said Damaged Street proposed to be vacated and abandoned in the manner and during the time required by the above Division, Chapter and Sections of said Streets and Highways Code;

D. The Council of said City has heretofore caused the aforementioned Notice of Vacation to be published in a weekly newspaper of general circulation, published and circulated in said City as required by the above Division, Chapter and Sections of said Streets and Highways Code;

E. The City Council has heard and considered all evidence and materials, oral and written, presented and offered by all interested persons at the public hearing before it, and finds from all evidence submitted that the Damaged Street is not necessary for present or prospective public street purposes, and that it is in the public interest to vacate the Damaged Street, but reserving therefrom rights that are or may be necessary for the use and maintenance of various public utility services, other than for public street;

F. The Damaged Street hereinafter described is not necessary for a non-motorized transportation facility; and

G. The City makes no claim as to the current fee ownership of the land underlying the Damaged Street.

NOW, THEREFORE, be it resolved by the Council of the City of Santa Barbara as follows:

1. The above recitals are true and correct.
2. The Damaged Street is found not to be necessary for present or prospective public



street purposes, except for reserving such public utility service easements described below, and that it is in the public interest to vacate the Damaged Street.

3. That the Damaged Street hereinafter described is ordered vacated and abandoned and all lands covered by any of said public street interest shall no longer be subject to a public street interest, namely:

#### DESCRIPTION

A portion of Ealand Place in the City of Santa Barbara, County of Santa Barbara, State of California, as shown on the map of Sycamore Terrace Tract filed on March 21, 1931, in Map Book 15, at Pages 226 and 227, in the Office of the County Recorder, County of Santa Barbara; said Ealand Place being a portion of Parcel A depicted on said map of Sycamore Terrace Tract, constituting roads originally "not offered for dedication nor dedicated for public use," namely roads now known as a portion of Conejo Road (including the portion formerly known as Flores Drive), all of Ealand Place and a portion of Sherman Road; said Ealand Place also being depicted and referred to subsequent to the recordation of the map of Sycamore Terrace Tract to be one of those many streets in use by the general public in Resolution No. 2737 of the Council of the City of Santa Barbara, adopted on February 24, 1955, which adopted "Official Map No. 1955-1 of Undedicated Streets in the City of Santa Barbara," which includes Ealand Place as depicted on Sheet 40 of Official Map No. 1955-1 of Undedicated Streets, an unrecorded copy of which is filed for convenient reference in the office of the City Engineer of the City of Santa Barbara;

Said portion of Ealand Place being described as all that portion of Ealand Place lying southerly of the following described line:

Beginning at the northeast corner of Lot 26 of Sycamore Terrace Tract, said corner being a point on the westerly line of Ealand Place, and being the beginning of a curve on the westerly line of Ealand Place concave to the west having a radius of 235.00 feet; thence southerly 15.00 feet along said westerly line of Ealand Place and along said curve through a central angle of 3°29'26" to another point on the westerly line of Ealand Place, said point being the True Point of Beginning;

Thence, North 67°03'38" East a distance of 32.44 feet to a point located on the easterly line of Ealand Place, said point being the point of intersection of the southeasterly extension of the northerly line of said Lot 26 of Sycamore Terrace Tract.

RESERVING THEREFROM, on behalf of the City of Santa Barbara, Cox Cable Santa Barbara, Verizon, and Southern California Edison Company, as applicable, interests and rights, but without specific obligation, established for the placement, construction, use, operation, maintenance, repair, rehabilitation, replacement, enlargement, removal or renewal of various public service facilities, including all appurtenant and necessary underground and aboveground facilities and utility improvements, generally comprised of water pipelines,

sanitary sewer pipelines, storm drain systems, communication conduits, cables, wires, poles, and other necessary facilities, equipment and fixtures, electrical energy and electrical intelligence transmission lines, and any other required public service improvements, other than for public street or public highway purposes in, upon, over, under, along, through and across all that certain portion of Ealand Place described above, including access as necessary to protect all such public service facilities and improvements from all hazards in, upon, over, under, along, through and across all that portion of Ealand Place described above.

ALSO RESERVING THEREFROM, on behalf of Southern California Gas Company, The Gas Company, as applicable, interests and rights, but without specific obligation, a permanent non-exclusive Easement established for the placement, construction, use, operation, maintenance, repair, relocation, replacement, enlargement, and from time to time removal or renewal of all appurtenant and necessary underground and aboveground facilities and utility improvements, generally comprised of one or more natural gas pipelines and conduits, and other necessary facilities including but not limited to equipment and fixtures, together with metering, measuring, regulating, cathodic protection, and other appurtenances (all hereinafter referred to as the "Facilities"), for the transportation of natural gas over, under, through, along, and for all other purposes connected therewith, and together with the reasonable right of ingress and egress to and from the Easement to access Facilities and the right to use Grantor's abutting property during construction and maintenance of the Facilities and any other required public service improvements, other than for public street or public highway purposes in, upon, over, under, along, through and across all that certain portion of Ealand Place described above, including access as necessary to protect all such public service facilities and improvements from all hazards in, upon, over, under, along, through and across all that portion of Ealand Place described above.

For convenient reference purposes only, the above described Damaged Street is depicted on attached Exhibit A.

4. That this order of vacation is subject to the reservation by the Council of the City of Santa Barbara, on its behalf, and on behalf of Cox Cable Santa Barbara, Verizon, Southern California Edison Company, and Southern California Gas Company, The Gas Company, established for the placement, use, maintenance, repair, replacement, removal or renewal of public service facilities, including any necessary underground and aboveground facilities, generally comprised of water pipelines, sanitary sewer pipelines, storm drain systems, natural gas pipelines, communication conduits, electrical transmission lines, other than for public street purposes in, upon, over, under, along, through and across the Damaged Street

described above, including access as necessary to protect any public service facilities from all hazards in, upon, over, under, along, through and across the Damaged Street.

5. That the City Clerk shall cause a certified copy of this order attested by the Clerk under the seal of the City of Santa Barbara to be recorded in the Official Records, in the Office of the County Recorder of the County of Santa Barbara.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** Planning Division, Community Development Department

**SUBJECT:** Appeal Of Planning Commission Decision For 1085 Coast Village Road

**RECOMMENDATION:** That Council:

- A. Hear the appeal of Douglas Fell and amend the Planning Commission's approval of the proposed Coastal Development Permit, Conditional Use Permit for Automobile Service Station with mini-market, Conditional Use Permit for a Carwash and Auto Detail operation, and a Modification located at 1085 Coast Village Road; and
- B. Uphold the appeal, and approve the project, making the findings and with the conditions as outlined in Planning Commission Resolution No. 006-12 deleting Condition D.2.b.

### DISCUSSION:

On March 15, 2012, the Planning Commission approved a project at 1085 Coast Village Road with amended conditions as reflected in the meeting minutes (see Attachment 3). Condition D.2.b. reads, "Pump Flicks. The Owner shall add a mute button for pump speakers to reduce sound of Pump Flicks, if feasible." Douglas Fell, appellant and applicant's attorney, filed an appeal letter (Attachment 1) with the City Clerk's office on Friday, March 23, 2012. The appeal identifies that the appeal request is focused on the Planning Commission's decision on March 15, 2012 to add Condition D.2.b. in Planning Commission Resolution 006-12 (attached as Attachment 2), and not an appeal of the project approval.

Following the approval, staff requested information regarding the feasibility of the mute button installation on existing displays. The appellant believes that the condition was added without nexus, and did not wish to explore the feasibility. Pumpflicks, the digital displays vendor, is currently not equipped to offer a Display Topper Unit (DTU) with a mute button option. An internet search of DTU manufacturers revealed that a UL approved DTU with mute button option does not appear to be available, and UL approval is required for an electronic device to be located on or near a gas pump. Staff has determined that the installation of a mute button is not currently feasible; however,



the applicant wishes to amend the conditions to eliminate the condition to assure that the condition is not enforced if the technology becomes available.

During the Planning Commission's deliberations on March 15th, Mr. Fell raised concerns with the appropriateness of the mute button condition because in 2011 the City Council reviewed and adopted revisions to the sign ordinance allowing certain digital displays to be exempt from sign permit requirements, and specifically chose not to include a requirement for a mute button at that time. In addition, Mr. Fell stated that the condition did not relate to the scope of work, which does not include alterations to the existing gasoline pump area. The City Attorney advised that conditions could be added if the Commission felt the condition was necessary to allow the Commission to make the findings required to approve the Conditional Use Permit for automobile service station with mini-market. The Commission stated that there is a nexus for the mute button requirement because the applicant is requesting a Conditional Use Permit for proposed changes in use (addition of the carwash and conversion of the auto repair bays to mini-market use) and requested a modification of parking and setback requirements in order to achieve the improvements. In addition, the Commission stated that the patrons should have the option to mute advertising, and reduce noise pollution. The motion maker and seconder decided that they would not revise their motion, and the motion passed on 4/0/0 (Commissioner's Bartlett, Jordan, and Schwartz were absent.) retaining the condition of approval.

Following the receipt of the appeal, Staff conferred with the appellant and Planning Commissioner Thompson, and placed a motion to reconsider the approval on the April 5, 2012 Planning Commission agenda. On April 5, the motion to reconsider the March 15, 2012 decision failed on a vote of 2/2/1. Commissioners Larson and Lodge opposed stating that a mute button should be installed to reduce noise pollution (meeting minutes are attached as Attachment 4). Commissioner Jordan abstained. Commissioners Bartlett and Schwartz stepped down.

Staff believes that it is appropriate for the Commission to add conditions to a project that is requesting a Conditional Use Permit in order to ensure that the project is compatible with the surrounding neighborhood. In this case, the service station is located between Coast Village Road, Coast Village Circle, Highway 101 and the Hermosillo Road off-ramp; the property does not share property lines with another private property owner. The digital displays are located 130 feet from the nearest parcel that is zoned or used for residential use along the Coast Village Road public right of way, and 185 feet from the nearest parcel that is zoned or used for residential use along Coast Village Circle. Prior to the Planning Commission hearing on March 15, 2012, Staff reviewed the project for compliance with the Conditional Use Permit car wash noise operating standards, which refers to the City's Noise Ordinance (SBMC §9.16) and determined that the car wash mechanical equipment would be in compliance with the Noise Ordinance, as it does not exceed the noise ordinance criteria of 60 dB(A) CNEL at the nearest property line of a property zoned or used for residential, institutional or park purposes as discussed in the Planning Commission staff report (Attachment 5). The audio for the existing digital displays has been adjusted to meet the ordinance criteria for exemption

from the sign permit requirements as identified in SBMC §22.70.030 (B)(26). Therefore, Staff does not believe that the mute button is necessary.

### **SIGN ORDINANCE HISTORY**

In 2011, the City Council reviewed proposed revisions to the sign ordinance at the March 15, April 12, May 24, June 7, and June 14, hearings. When the Council reviewed the draft ordinance on May 24, the proposed criteria for digital displays exempt from a sign permit included a requirement for a mute button. At this hearing, Attorney Douglas Fell submitted requests for changes to the proposed ordinance, including the elimination of the requirement for a mute button; Council discussed the proposed requirement for a mute button, and eliminated it from the draft ordinance that was subsequently adopted on June 14. A copy of the ordinance criteria related to digital displays has been attached (see Attachment 6).

- ATTACHMENTS:**
1. Appeal letter from Douglas E. Fell, Fell, Marking, Abkin, Montgomery, Granet & Raney, LLP dated March 23, 2012
  2. Planning Commission Resolution No. 006-12
  3. Planning Commission Minutes dated March 15, 2012
  4. Planning Commission Minutes dated April 5, 2012
  5. Planning Commission Staff Report dated March 8, 2012
  6. Excerpts from Sign Ordinance Related to Digital Displays

**PREPARED BY:** Suzanne Riegle, Assistant Planner

**SUBMITTED BY:** Paul Casey, Community Development Director

**APPROVED BY:** City Administrator's Office

FELL, MARKING, ABKIN, MONTGOMERY,  
GRANET & RANEY, LLP

ATTORNEYS AT LAW

RECEIVED  
2012 MAR 23 PM 3:46

CITY OF SANTA BARBARA  
CITY CLERK'S OFFICE

DOUGLAS E. FELL  
PHILIP W. MARKING  
JOSEPH D. ABKIN  
FREDERICK W. MONTGOMERY  
CRAIG S. GRANET  
JAMIE FORREST RANEY  
MICHAEL D. HELLMAN  
JOSHUA P. RABINOWITZ  
JENNIFER GILLON DUFFY  
DAVID J. TAPPEINER

222 East Carrillo Street, 4<sup>th</sup> Floor  
Santa Barbara, California 93101  
Telephone (805) 963-0755  
Facsimile (805) 965-7237

CINDY KLEMPNER  
ALLAN S. MORTON  
GAMBLE T. PARKS

OF COUNSEL  
JAMES E. DAVIDSON

WRITER'S DIRECT E-MAIL:DFELL@FMAM.COM

March 23, 2012

***Via Hand Delivery***

City Clerk  
City of Santa Barbara  
735 Anacapa Street  
Santa Barbara, CA 93101

**Re: Appeal of One Condition of Approval Imposed by the Planning Commission in  
In Connection with its Approval of the Proposed Redevelopment of the Existing  
Chevron Gas Station Located at 1085 Coast Village Road to Include a  
Mini-Market and a Covered Car Wash (MST 2010-00226)**

Dear Clerk:

This office represents the owner and operator of the existing Chevron Gas Station ("Gas Station") located at 1085 Coast Village Road and files this single issue appeal on their behalf.

On March 15, 2012, the Planning Commission approved a proposed redevelopment of the Gas Station. The approval specifically included approval of the following discretionary applications:

1. A Modification to provide less than the 18 required parking spaces (SBMC §28.92.110.1).
2. A Modification to allow two pay point kiosks to be located within the required 10 foot front setback (SBMC §28.92.110.2).

City Clerk  
May 23, 2012  
Page 2 of 3

3. A Conditional Use Permit for the conversion of an existing automobile service station to automobile service station with mini-market (SBMC §28.94.030.V).
4. A Conditional Use Permit for the car wash in the C-1 Zone District (SBMC §28.94.030.Q).
5. A Coastal Development Permit for development including an automobile service station with mini-market and car wash and a new well in the Coastal Zone (SBMC §28.44.060).

The approval did not involve an increase in the number or location of the existing gas pumps or any change in the existing approved Pumpflix installed on the existing gas pumps.

With one exception, the approval included adoption of the Conditions of Approval which were prepared by Staff and submitted to the Planning Commission with the Staff Report.

The one exception was a Condition of Approval relating to the Pumpflix located on the gas pumps which was proposed by one Planning Commissioner and, as revised, was ultimately included in the resolution which approved the Project.

The Staff prepared Conditions of Approval are not being appealed. The only issue which is being appealed is the Planning Commission's imposition of an additional Condition of Approval that requires the installation of a "mute button, if feasible" upon the Pumpflix which currently exist on the existing gas pumps.

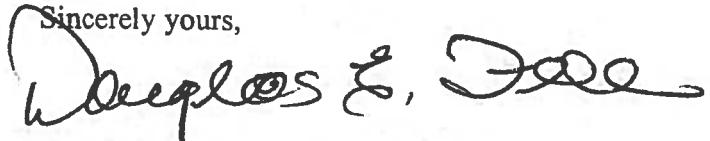
There are multiple reasons why this "mute button" condition is inappropriate:

The first reason is the lack of a nexus between the requested approvals and the imposition of the condition.

The second reason and the most important is that this issue was addressed in depth by the City Council when it adopted the ordinance authorizing the installation of Pumpflix on gasoline pumps in the City of Santa Barbara and was not included in the ordinance. (See SBMC §22.70.030B.26.)

For these (and other issues which will be addressed prior to the appeal hearing), the owner and operator of the 1085 Coast Village Road Chevron Project appeals the "mute button, if feasible" Condition of Approval.

Sincerely yours,



Douglas E. Fell

cc: Kevin Dumain, AIA



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 006-12

1085 COAST VILLAGE ROAD

MODIFICATIONS, CONDITIONAL USE PERMIT, AND COASTAL DEVELOPMENT PERMIT

MARCH 15, 2012

**APPLICATION OF KEVIN DUMAIN ARCHITECT FOR JANDA PARTNERS LP,  
1085 COAST VILLAGE RD, APN 009-281-003, C-1 LIMITED COMMERCIAL/SD-3 COASTAL  
OVERLAY ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH  
RESIDENTIAL (MST2010-00026)**

The project consists of alterations to an existing 2,317 sf automobile service station including: demolishing of 344 sf of retail floor area; constructing of a 607 sf addition of retail floor area; constructing of a 1,667 sf covered car wash; installing of two pay point kiosks; constructing of a 135 sf equipment enclosure; revising driveway entrances to improve pedestrian circulation; converting of an existing exploratory well to a non-potable production well; relocating the existing propane tank; constructing a shade trellis for car wash detailing operations; restriping parking for a total of 10 parking spaces on site; and remodeling the interior of the service station including the removal of service bays to be used as a mini-market. An existing Jacaranda tree will be relocated to allow and existing curb cut to be widened.

The discretionary applications required for this project are:

1. Design Review by the Architectural Board of Review of additions and alteration to a non-residential development (SBMC §22.68.040(A.));
2. A Modification to provide less than the 18 required parking spaces (SBMC §28.92.110.1);
3. A Modification to allow two pay point kiosks to be located within the required 10 foot front setback. (SBMC §28.92.110.1);
4. A Conditional Use Permit for the conversion of an existing automobile service station to automobile service station with mini-market (SBMC § 28.94.030.V.);
5. A Conditional Use Permit for the car wash in the C-1 Zone District (SBMC § 28.94.030.Q.); and
6. A Coastal Development Permit for development including an automobile service station with mini-market and car wash and a new well in the Coastal Zone (SBMC §28.44.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, 4 people appeared to speak in favor of the application, and 0 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 8, 2012
2. Updated Findings dated March 14, 2012

3. Updated draft Conditions of Approval dated March 13, 2012
4. Site Plans
5. Correspondence received in opposition to the project or with concerns:
  - a. Paula Westbury, Santa Barbara, CA
  - b. Richard J. Nordlund, President, Montecito Association, via email

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

A. **FRONT SETBACK MODIFICATION (SBMC §28.92.110.A.2)**

As discussed in Section VI.1.a. of the staff report, the requested front setback modification for the two pay point kiosks to be located in the front setback off of Coast Village Circle is consistent with the purposes and intent of the Zoning Ordinance and is necessary to allow the driver to pay for the car wash without exiting the vehicle.

B. **PARKING MODIFICATION (SBMC §28.92.110.A.1)**

As discussed in Section VI.1.b. of the staff report, the requested parking modification to provide 10 rather than 18 parking spaces is consistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking or loading space in the immediate area.

C. **COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act, as described in Section VI.C. of the Staff Report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, as described in Section VI. of the Staff Report.

D. **CONDITIONAL USE PERMIT (SBMC §28.94.020)**

The Planning Commission approves a Conditional Use Permit to allow a car wash and hand detailing operation at 1085 Coast Village Road, as provided in SBMC Section 28.94.030.Q., making the following findings:

1. The project is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan because it provides for desirable updated amenities of a mini-market and car wash to visitors (residents and tourists) at a service station that has existed in this location since 1948 and is consistent with the use outlined in the land use element of the General Plan, as described in Is VI.B. and VI.C. of the staff report.
2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved. The proposed use has been operating as a service station for 64 years at the current location with the complaints received being focused on signage violations and not the land use impacts on adjacent neighbors.

3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development, that significant detrimental impact on surrounding properties is avoided, because the development observes the required setbacks with the exception of the legally non-conforming air/water dispenser and the proposed pay point kiosks the project conforms to all required setbacks. The proposed use is in keeping with the pattern of development and the desire for neighborhood shopping areas described in Sections VI.B. and VI.C. of the staff report.
4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time because the project provides sufficient access to the property for ingress and egress and the on-site parking meets the required parking demand for the use, as discussed in Sections VI.1.b. and VI.2.b.(7). of the staff report.
5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area as determined by the ABR, as discussed in Section VIII. of the staff report.
6. The project complies with the noise restrictions of SBMC Chapter 28.60, as discussed in Section VI.2.a. of the staff report.

**E. CONDITIONAL USE PERMIT (SBMC §28.94.020)**

The Planning Commission approves a Conditional Use Permit to allow an automobile service station and mini-market at 1085 Coast Village Road, as provided in SBMC Section 28.94.030.V., making the following findings:

1. The project is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan because it provides for desirable updated amenities of a mini-market and car wash to visitors (residents and tourists) at a service station that has existed in this location since 1948 and is consistent with the use outlined in the land use element of the General Plan, as described in Is VI.B. and VI.C. of the staff report.
2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved. The proposed use has been operating as a service station for 64 years at the current location with the complaints received being focused on signage violations and not the land use impacts on adjacent neighbors.
3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development, that significant detrimental impact on surrounding properties is avoided, because the development observes the required setbacks with the exception of the legally non-conforming air/water dispenser and the proposed pay point kiosks the project conforms to all required setbacks. The proposed use is in keeping with the pattern of

development and the desire for neighborhood shopping areas described in Sections VI.B. and VI.C. of the staff report.

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time because the project provides sufficient access to the property for ingress and egress and the on-site parking meets the required parking demand for the use, as discussed in Sections VI.1.b. and VI.2.b.(7). of the staff report.
5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area as determined by the ABR, as discussed in Section VIII. of the staff report.
6. The project meets the automobile service station/mini-market required conditions, standards and limitations identified in SBMC §28.94.030.V., as discussed in Section VI.2.b. of the staff report.

II. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee.
3. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition G "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
5. Permits.
  - a. Apply for and obtain a Building Permit (BLD) for construction of approved development.
  - b. Apply for and obtain a Public Works Permit (PBW) for all required public improvements.
  - c. Apply for and obtain a Public Works Permit (PBW) for the private water well.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on March 15, 2012 is limited to a 2,580 square foot service station/mini market with attached 1,667 square foot car wash tunnel, and 135 square foot equipment storage enclosure and the improvements shown on the plans signed by the



chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Car Wash and Well Production.** In the event that the water well ceases to produce adequate water supply for the nonpotable water uses (e.g. car wash and landscaping), the owner will be required to provide evidence to the City that an alternate water source can be provided. If the necessary approvals and/or permits cannot be provided for an alternate water source the car wash and auto detailing operations must cease to operate.
3. **Exterior Displays.** All mini-market materials, products and merchandise shall be stored and displayed only within an enclosed building.
4. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
5. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
6. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
7. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
8. **BMP Training.** Training on the implementation of Best Management Practices (BMPs) shall be provided to every employee by the property owner/management in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
9. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.

- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant project design approval until the following Planning Commission land use conditions have been satisfied through appropriate inclusion on approved plans.
1. **Tree Replacement.** The existing Jacaranda tree shall be replaced within the public right-of-way and shall be fenced and protected during construction. Street Tree Advisory Committee and Park and Recreation Commission approval is required.
  2. **Tree Protection.**
    - a. **During Construction.**
      - (1) All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
      - (2) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
      - (3) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
      - (4) No heavy equipment, storage of materials or parking shall take place under the dripline of any tree(s).
  3. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas, solar panels and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the ABR.
  4. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
  5. **Lighting.** Any perimeter flood lighting shall be hooded or shielded so that no direct beams fall upon adjacent residential property. Indirect soft lights and low garden lights shall be used wherever possible, and shall be required as necessary to assure compatibility with adjacent and surrounding properties.
- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
    - a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition D.1.e and f. "Coast Village Road and Coast Village Circle Public Improvements" shall be submitted to the Public Works Department for review

and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed an *Agreement to Construct and Install Improvements (Not a Subdivision)*, or has been issued a Public Works Permit concurrently with the Building plans.

- b. **Well Permit.** Applicant shall apply to the Public Works Counter to have the exploratory well converted to a production well under a new permit, subject to the requirements outlined in the August 6, 2010 letter prepared by the Water Resources Manager and payment of related sewer buy-in fee. The safety seal shall be placed at 83 feet below grade.
- c. **Dedication(s).** Dedicate Easements, as shown on the approved site plan and described as follows, subject to approval of the easement scope and location by the Public Works Department:
  - (1) An easement for all street purposes along Coast Village Road in order to establish an additional four-foot wide public right-of-way at the back of the existing westerly driveway as shown on the approved public improvement plans.
- d. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit a hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual. The proposed bio-filter shall be placed on private property for filtering runoff before it discharges to the public rights-of-way.
- e. **Coast Village Road Public Improvements.** The Owner shall submit public improvement plans for construction of improvements along the property frontage on Coast Village Road directly to the Public Works counter. As determined by the Public Works Department, the improvements shall include to City standards, the following: Relocate (E) MTD bus stop, construct (N) City standard bus pad for a 40-ft bus, construct one (N) commercial driveway apron modified to meet Title 24 requirements with a maximum width of 32-feet, construct +/- forty (40) LF sidewalk behind (N) commercial driveway, close (E) driveway and install (N)

curb and cutter, construct +/- forty-three (43) LF of sidewalk at the back of the most westerly (E) driveway approach to widen the (E) sidewalk, saw-cut and replace any damaged curb and gutter subject to determination by Public Works Inspector, slurry seal a minimum of 20 feet beyond the limits of all trenching (if any), protect and relocate existing contractor stamps to parkway (if any), relocate the newspaper racks adjacent to the planter and closer to the proposed building, relocate or adjust the existing stop sign at the exit of the on-street parking lane with Coast Village Road. Any work in the public right-of-way requires a Public Works Permit.

- f. **Coast Village Circle Public Improvements.** The Owner shall submit public improvement plans directly to the Public Works counter for construction of improvements along the property frontage on Coast Village Circle. As determined by the Public Works Department, the improvements shall include to City standards, the following: Construct one (N) commercial driveway apron modified to meet Title 24 requirements with a maximum width of 20-feet, construct +/- twenty-two (22) LF sidewalk behind (N) commercial driveway, close (E) driveway and install (N) curb and gutter, , and connect to on-site production well (to be permitted separately from public improvement permit) for car wash and irrigation only. Any work in the public right-of-way requires a Public Works Permit.
- g. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.
- h. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed *Agreement to Construct and Install Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the Agreement.
- i. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Pump Flicks.** The Owner shall add a mute button for pump speakers to reduce sound of Pump Flicks, if feasible.
- c. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as

outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.

- d. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

_____		_____
Property Owner		Date
_____	_____	_____
Contractor	Date	License No.
_____	_____	_____
Architect	Date	License No.
_____	_____	_____
Engineer	Date	License No.

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be carefully salvaged and delivered to the City Corporation Annex Yard on Yanonali Street.
3. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

4. **Construction Timing Restriction.** No construction work or construction staging is to take place within the City's right of way in commercial areas during the holiday season, from the Monday prior to Thanksgiving through and including New Year's Day.
  - a. No new permits may be issued for work in these areas during this period, except for emergency reasons that are approved by the City Engineer.
  - b. All Public Works projects in the specified areas, with an existing Public Works Permit, must be halted until AFTER the New Year.
  - c. No permits for dumpsters or other traffic obstructions may be issued for this period. Permitted construction staging must be removed from the City right of way during the holiday season.

COMPLIANCE IS MANDATORY. Please ensure that all appropriate employees are aware of this policy.

5. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
6. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the

Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

**F. Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans and/or building plans, including utility service undergrounding per Municipal Code and installation of street trees, shall be completed.

**G. General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.

- b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

#### **NOTICE OF APPROVAL TIME LIMITS:**

The Planning Commission action approving the Modifications shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

- 1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
- 2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.



**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

**NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):**

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

This motion was passed and adopted on the 15th day of March, 2012 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 0 ABSTAIN: 0 ABSENT: 3 (Bartlett, Jordan, Schwartz)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

  
Julie Rodriguez, Planning Commission Secretary

  
Date

**PLEASE BE ADVISED:**

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.**

Virginia Castagnola Hunter liked the project but was concerned with any potential delay the temporary beachway bridge project would bring and if it would compromise cost. She emphasized that time was of the essence in completing the project.

Scott Reidman, Waterfront Director, stated that he has been working with the Public Works Department on the beachway relocation investigation and is also interested in investigating the dredge pipe and/or a sleeve underneath with beachway bridge project, if practical.

Bobbi Salvini, Principal Engineer, responded to the cost and time issues of the proposed beachway relocation to the approved temporary beachway location for the Cabrillo Bridge Replacement Project. She did stress that the project must move quickly or Caltrans funding could be lost for the Cabrillo Bridge Replacement Project.

With no one else wishing to speak, the public hearing was closed at 1:29 P.M.

Many Commissioners expressed support for the project and agreed that it must move quickly.

#### IV. NEW ITEM:

ACTUAL TIME: 1:43 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, Commissioner Bartlett recused himself from hearing this item due to his architectural firm's involvement with the project. Commissioner Bartlett left the dais at 1:44 P.M.

**APPLICATION OF KEVIN DUMAIN ARCHITECT FOR JANDA PARTNERS LP,  
 1085 COAST VILLAGE RD, APN 009-281-003, C-1 LIMITED COMMERCIAL/SD-  
 3 COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION:  
 COMMERCIAL/MEDIUM HIGH RESIDENTIAL (MST2010-00026)**

The project consists of alterations to an existing 2,317 sf automobile service station including: demolishing of 344 sf of retail floor area; constructing of a 607 sf addition of retail floor area; constructing of a 1,667 sf covered car wash; installing of two pay point kiosks; constructing of a 135 sf equipment enclosure; revising driveway entrances to improve pedestrian circulation; converting of an existing exploratory well to a non-potable production well; relocating the existing propane tank; constructing a shade trellis for car wash detailing operations; restriping parking for a total of 10 parking spaces on site; and remodeling the interior of the service station including the removal of service bays to be used as a mini-market. An existing Jacaranda tree will be relocated to allow and existing curb cut to be widened.

The discretionary applications required for this project are:

1. Design Review by the Architectural Board of Review of additions and alteration to a non-residential development (SBMC §22.68.040(A.));

2. A Modification to provide less than the .18 required parking spaces (SBMC §28.92.110.1);
3. A Modification to allow two pay point kiosks to be located within the required 10 foot front setback. (SBMC §28.92.110.1);
4. A Conditional Use Permit for the conversion of an existing automobile service station to automobile service station with mini-market (SBMC § 28.94.030.V.);
5. A Conditional Use Permit for the car wash in the C-1 Zone District (SBMC § 28.94.030.Q.); and
6. A Coastal Development Permit for development including an automobile service station with mini-market and car wash and a new well in the Coastal Zone (SBMC §28.44.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303.

Case Planner: Suzanne Riegle, Assistant Planner

Email: [SRiegle@SantaBarbaraCA.gov](mailto:SRiegle@SantaBarbaraCA.gov)

Phone: 805-564-5470, ext. 2697

Julie Rodriguez, Planning Commission Secretary, gave the Staff presentation. Theresa Lancy, Water Resources Specialist, Stacey Wilson, Transportation Planner, and Scott Schell, Associated Transportation Engineers (ATE), were available to answer the Commission's questions.

Kevin Dumain, Architect, gave the applicant presentation and introduced Bob Uellner, Owner; Scott Schell, Associated Transportation Engineers; and Erin Carroll, Arcadia Studio Landscape Architecture.

Chair Lodge opened the public hearing at 2:08 P.M.

The following people spoke in support of the project:

1. David Borgatello, Vice President of Marborg Industries
2. John Franklin
3. Fred Hepp
4. Hillary Niemann

With no one else wishing to speak, the public hearing was closed at 2:15 P.M.

**MOTION: Thompson/Larson**

**Assigned Resolution No. 006-12**

Approved the project, making the findings for the Modifications, Conditional Use Permits, and Coastal Development Permit outlined in the Staff Report, dated March 8, 2012 and amended on March 14, 2012, subject to the Conditions of Approval in Exhibit A of the Staff Report, amended on March 13, 2012 with the following revisions to the Conditions of Approval:

1. Delete reference to relocating the MTD bus stop in condition D.1.f.; and
2. Add a mute button on pump speakers to reduce sound of Pump Flicks, if feasible.

Douglas Fell, Attorney representing the applicant, countered that a mute button was discussed before Council and not included in any ordinance. To request a condition contrary to the Council's action was not acceptable to the Applicant as there was no nexus, and asked that it be deleted as a condition of approval.

Commissioner Thompson stated that the condition of approval should remain, "if feasible", given that the request for a Conditional Use Permit provided a nexus for the request.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Jordan, Schwartz)

Chair Lodge announced the ten calendar day appeal period.

## II. ADMINISTRATIVE AGENDA

### ACTUAL TIME: 2:42 P.M.

#### A. Committee and Liaison Reports.

##### 1. Staff Hearing Officer Liaison Report

Commissioner Larson reported on the Staff Hearing Officer meeting held on March 12, 2012.

##### 2. Other Committee and Liaison Reports

- a. Commissioner Larson reported on Historic Landmarks Commission meeting of March 7, 2012.
- b. Commissioner Thompson reported that Commissioners Thompson, Campanella, and Bartlett attended a CEQA workshop.
- c. Commissioner Thompson also reported on the Single Family Design Board (SFDB) meeting of March 5, 2012 that he and Commissioner Campanella attended.
- d. Commissioner Campanella reported on Commissioners Campanella and Schwartz attending the Downtown Parking Committee meeting of March 14, 2012.
- e. Commissioner Campanella will be attending the League of California Cities seminar next week.

**III. REQUEST FOR RECONSIDERATION:**

**ACTUAL TIME: 1:06 P.M.**

**RECUSALS:** To avoid any actual or perceived conflict of interest, the following Commissioners) recused themselves from hearing this item:

Commissioner Schwartz recused herself due to a California Fair Political Practices (FPPC) regulation regarding campaign contributions.

Commissioner Bartlett recused himself from hearing this item due to his architectural firm's involvement with the project.

Commissioners Bartlett and Schwartz left the dais at 1:06 P.M.

This project was approved by the Planning Commission with revised findings and conditions on March 15, 2012, on a 4/0 vote. Danny Kato prefaced the request by stating that an appeal letter had been received by City Council, but that the Applicant requested that reconsideration be given by the Planning Commission before moving forward in the appeal process.

Subsequently, Staff contacted the motion-maker and relayed the Applicant's request. Commissioner Thompson requested that the action be reconsidered.

**APPLICATION OF KEVIN DUMAIN ARCHITECT FOR JANDA PARTNERS LP,  
1085 COAST VILLAGE RD, APN 009-281-003, C-1 LIMITED COMMERCIAL/SD-  
3 COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION:  
COMMERCIAL/MEDIUM HIGH RESIDENTIAL (MST2010-00026)**

The project consists of alterations to an existing 2,317 sf automobile service station including: demolishing of 344 sf of retail floor area; constructing of a 607 sf addition of retail floor area; constructing of a 1,667 sf covered car wash; installing of two pay point kiosks; constructing of a 135 sf equipment enclosure; revising driveway entrances to improve pedestrian circulation; converting of an existing exploratory well to a non-potable production well; relocating the existing propane tank; constructing a shade trellis for car wash detailing operations; restriping parking for a total of 10 parking spaces on site; and remodeling the interior of the service station including the removal of service bays to be used as a mini-market. An existing Jacaranda tree will be relocated to allow and existing curb cut to be widened.

The discretionary applications required for this project are:

1. Design Review by the Architectural Board of Review of additions and alteration to a non-residential development (SBMC §22.68.040(A));
2. A Modification to provide less than the 18 required parking spaces (SBMC §28.92.110.1);

3. A Modification to allow two pay point kiosks to be located within the required 10 foot front setback. (SBMC §28.92.110.1);
4. A Conditional Use Permit for the conversion of an existing automobile service station to automobile service station with mini-market (SBMC § 28.94.030.V.);
5. A Conditional Use Permit for the car wash in the C-1 Zone District (SBMC § 28.94.030.Q.); and
6. A Coastal Development Permit for development including an automobile service station with mini-market and car wash and a new well in the Coastal Zone (SBMC §28.44.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303.

Case Planner: Suzanne Riegle, Assistant Planner  
Email: SRiegle@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 2697

**MOTION: Thompson/Campanella**

Reconsider the motion made at the March 15, 2012.

Commissioner Larson remained firm on her request for inclusion of the mute button on the Pumpflicks, if feasible.

This motion carried by the following vote:

Ayes: 2   Noes: 2 (Larson, Lodge)   Abstain: 1(Jordan)   Absent: 2 (Bartlett, Schwartz)



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** March 8, 2012  
**AGENDA DATE:** March 15, 2012  
**PROJECT ADDRESS:** 1085 Coast Village Road (MST2010-00226)

**TO:** Montecito Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DK*  
 Suzanne Riegle, Assistant Planner *SR*

### I. PROJECT DESCRIPTION

The project consists of alterations to an existing 2,317 sf automobile service station including: demolishing 344 sf of retail floor area; constructing a 607 sf addition of retail floor area; constructing a 1,667 sf covered car wash; installing two pay point kiosks; constructing a 135 sf equipment enclosure; revising driveway entrances to improve pedestrian circulation; converting an existing exploratory well to a non-potable production well; relocating the existing propane tank; constructing a shade trellis for car wash detailing operations; restriping parking for a total of 10 parking spaces on site; and remodeling the interior of the service station including the removal of service bays to be used as a mini-market. An existing Jacaranda tree will be relocated to allow an existing curb cut to be widened.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

- A. Design Review by the Architectural Board of Review of additions and alteration to a non-residential development (SBMC §22.68.040(A.)).
- B. A Modification to provide less than the 18 required parking spaces (SBMC §28.92.110.1).
- C. A Modification to allow two pay point kiosks to be located within the required 10 foot front setback. (SBMC §28.92.110.2).
- D. A Conditional Use Permit for the conversion of an existing automobile service station to automobile service station with mini-market (SBMC § 28.94.030.V.)
- E. A Conditional Use Permit for the car wash in the C-1 Zone District (SBMC § 28.94.030.Q.)
- F. A Coastal Development Permit for development including an automobile service station with mini-market and car wash and a new well in the Coastal Zone (SBMC §28.44.060).

### III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the General and Local Coastal Plans. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section X of this report, and subject to the conditions of approval in Exhibit A.

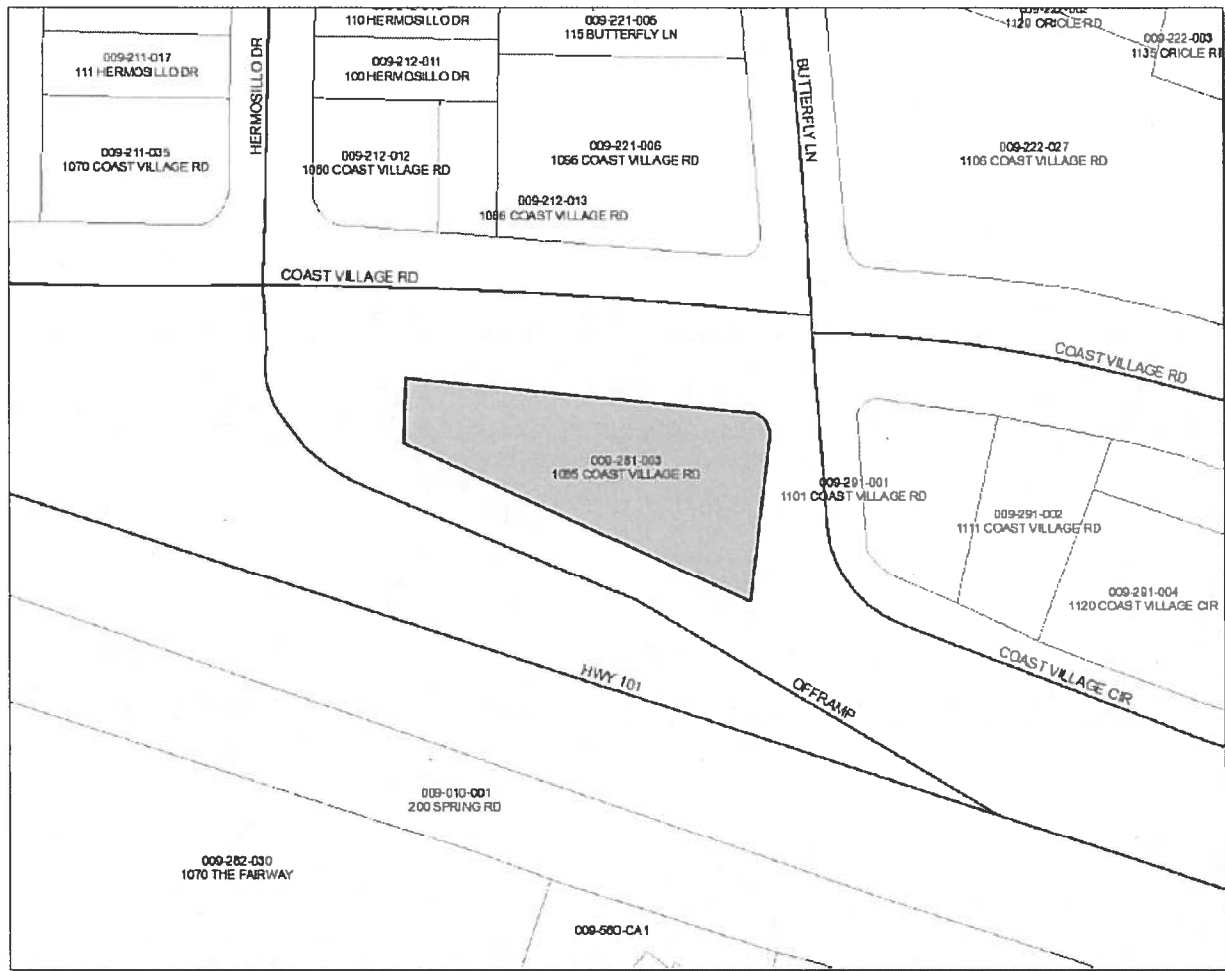


Fig.1: 1085 Coast Village Road, the subject site, is highlighted.

### IV. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

<b>Applicant:</b>	Architect Kevin Dumain, DesignARC		
<b>Property Owner:</b>	Janda Partners LP (Bob and Linda Uellner)		
<b>Site Information</b>			
<b>Parcel Number:</b>	009-281-003	<b>Lot Area:</b>	24,893 sf / 0.57 acres
<b>General Plan:</b>	Commercial/ Medium-High Residential	<b>Zoning:</b>	C-1 Limited Commercial



<b>Existing Use:</b> Service Station	<b>Topography:</b> est. 4% slope
<b>Adjacent Land Uses</b>	
<b>North</b> - Commercial <b>South</b> - US Highway 101	<b>East</b> - Commercial <b>West</b> - US Highway 101 Off-Ramp

## B. PROJECT STATISTICS

	Existing		Proposed	
	Net	Gross	Net	Gross
<b>Retail</b>	2,317	2,416	2,580	2,706
<b>Carwash*</b>	0	0	1,667	1,854
<b>Equipment Enclosure*</b>	0	0	135	135
* This square footage for lot coverage purposes only.				

## V. ISSUES

Staff recommends that the Planning Commission focus the parking, which is described in detail in this Staff Report. Staff has identified this as important issues because the Commission must support the parking modification or the project would require redesign to address the Commission's concerns.

## VI. ZONING CONSISTENCY ANALYSIS

Standard	Requirement/ Allowance	Existing		Proposed	
<b>Setbacks</b> <b>-Front</b>	10'	0'		0'*	
<b>Building Height</b>	3 stories and <45'	14'		23' 6"	
<b>Parking</b> <b>-Retail</b> <b>-Car Wash</b> <b>-Employees</b>	1 space/250 sf = 9 4 spaces/1 wash unit = 4 1 space/employee = 5	3		10*	
<b>Lot Coverage</b> <b>-Building</b> <b>-Paving/Driveway</b> <b>-Landscaping</b>	N/A N/A N/A	2,416 19,863 2,704	9.7% 79.5% 10.8%	4,695 16,900 3,388	18.8% 67.6% 13.6%

\*Modification requested

The proposed project is located in the C-1 Limited Commercial and S-D-3 Special District 3 Coastal Overlay Zones. With the exception of the requested modifications for encroachments into the front setback for two pay point kiosks, and to reduce the required parking, the project appears to meet all zoning requirements.

## **1. MODIFICATIONS**

### **a. Front Setback Modification**

The property has two property lines adjacent to public streets (Coast Village Road and Coast Village Circle) that require a front setback of ten feet. Due to site constraints and internal circulation, the car wash enclosure is proposed to be located at the south side of the existing service station. Cars will enter the queue from the north side of service station, and follow the drive aisle down the easterly property line. The applicant has proposed two pay-point kiosk locations to allow two drivers to pay while remaining seated in their car. The new kiosks are proposed to be located in the front setback along the Coast Village Circle frontage. A previously permitted air and water dispenser is located within the front setback along Coast Village Road, and is proposed to remain. Staff supports the two pay point kiosk locations because they cannot be used by the vehicle operator if they are located on the opposite side of the drive aisle and are minimal encroachments.

### **b. Parking**

The applicant is proposing to provide 10 of 18 required parking spaces. The plans show 12 striped parking spaces; however, two of these spaces are being used by a hand detail operation for the car wash and are not counted as required parking. A parking study was prepared by Associated Transportation Engineers (ATE) on June 27, 2011 (Exhibit D) which determined that 10 spaces would meet the demand of the proposed gas station with mini-market and car wash/ auto detailing service. The report further states that up to 90% of the mini-market customers park at the gas pumps, and not in the striped parking spaces provided. The station has a total of eight pumps effectively providing eight additional parking spaces for a combined theoretical total of 18 spaces.

## **2. CONDITIONAL USE PERMIT REQUIREMENTS (CUP)**

### **a. Car Wash (SBMC §28.94.030.Q)**

Car wash, auto polishing and auto steam cleaning establishments may be permitted in the C-1, C-P and C-2 Zones upon the granting of a CUP, provided that such installation shall be subject to the noise restrictions established in SBMC §28.60. The operating standards described in SBMC §28.60.40(4) refers to SBMC §9.16 for noise standards. The noise ordinance states all mechanical equipment other than vehicles shall be insulated and sound at the property line of any adjacent parcel used or zoned for residential, institutional or park purposes shall not exceed 60 A-weighted decibels using the Community Noise Equivalent Level (60 dB(A) CNEL). Plan Santa Barbara states that the potential future use of adjacent properties should be considered when reviewing a project for compliance with the Environmental Resource Elements noise standards; however the project site is surrounded by US Highway 101, an off ramp, Coast Village Road, and Coast Village Circle. The applicant has demonstrated that the sound measured at the nearest property will not exceed 60 dBA CNEL. The parking required for a car wash is four parking spaces per wash unit. In this project, only one car wash unit is proposed; therefore, four (4)

spaces are required for the car wash use. The car wash operations as designed will include the car wash enclosure where cars will be washed, an auto polishing (detailing) area under a shade trellis, and an outdoor waiting area with tables and chairs. The hours of operation are defined in the applicant's letter attached as Exhibit C. The project appears to comply with the CUP requirements for a car wash and detailing operation.

b. Automobile Station with Mini-Market (SBMC §28.94.030.V)

The C-1 Zone identifies that an automobile service station/mini-market can be determined to be an allowed use with a CUP and that the use shall be subject to a number of conditions, standards and limitations outlined in SBMC§28.94.030.V. The project as designed and conditioned will meet the requirements as follows:

- (1) Conditions. Specific conditions may be imposed to carry out the purposes of this Code.
- (2) Lot Area. The minimum area of the parcel shall not be less than 8,000 sf. *The subject parcel is 24,983 sf and exceeds the minimum lot area required.*
- (3) Street Frontage. Each lot shall have a minimum frontage of not less than one hundred (100) feet on one abutting street. *The project site has two public street frontages - along Coast Village Circle it is 131.33 linear feet and along Coast Village Road it is over 256 linear feet. Both frontages exceed the required minimum frontage of 100 feet.*
- (4) Architecture. The architecture of the service station structures and landscaping shall be reviewed and approved by the Architectural Board of Review. The architectural theme shall be integrated into the design of all improvements of the site including canopies and fencing. *The project has incorporated a single architectural theme into the design of all proposed improvements and has been reviewed by the City's ABR as described in Section VIII of the staff report.*
- (5) Driveways for existing Service Stations. For driveway entrances of service stations that have been constructed prior to the effective date of this Subsection, relocation of driveway entrances may be required to minimize interference with the movement and safety of vehicular and pedestrian traffic. *The proposal includes revisions to driveway approaches and sidewalks to improve circulation and achieve a Title 24 compliant sidewalk for pedestrian traffic.*
- (6) Internal Circulation. Where access from an internal circulation system of a shopping center or public parking area is available, direct street access to a service station may be prohibited or restricted. *This standard is not applicable to the project site because it is bordered by public streets on the north and east, US Highway 101 on the south and an off-ramp on the west.*
- (7) Parking. Parking shall conform to the greater of the minimum parking as follows:

- (a) requirements as outlined in Section 28.90.100 or
- (b) a minimum of five (5) parking spaces shall be provided or
- (c) one (1) parking space for each two hundred fifty (250) square feet of gross floor area used for mini-market use and one (1) space for each employee shall be provided; whichever is greater.

	Retail	Employees	Car Wash	Total Spaces Required
Option a:	9	0	4	13
Option b:	0	5	4	9
<b>Option c:</b>	<b>9</b>	<b>5</b>	<b>4</b>	<b>18</b>

Option c would require the greatest amount of parking; therefore 18 spaces are required for the automobile service station with mini-market portion of the project.

- (8) Lighting. Any perimeter flood lighting shall be hooded or shielded so that no direct beams fall upon adjacent residential property. Indirect soft lights and low garden lights shall be used wherever possible, and shall be required as necessary to assure compatibility with adjacent and surrounding properties. *All lighting proposed must comply with the Outdoor Lighting Ordinance (SBMC §22.75) and the Outdoor Lighting Design Guidelines for the use, which would ensure that this condition is adhered to.*
- (9) Landscaping. All landscaped areas shall be as follows:
  - (a) A planter shall be provided along all street-side property lines except for driveway openings. *The project as designed has incorporated planters along all street frontages except for the three driveway openings.*
  - (b) On corner lots, a minimum of one hundred fifty (150) square feet of planter area shall be provided on the property adjacent to the corner intersection. *The planter at the intersection of Coast Village Road and Coast Village Circle exceeds 150 sf.*
  - (c) At least ten percent (10%) of the area not covered by buildings on the parcel shall be landscaped. *The applicant is proposing 13.5%.*
- (10) Restrooms. The entrance to all restrooms shall be screened from abutting properties by a decorative screen. *The proposed restrooms are within the expanded retail spaces and are therefore adequately screened from abutting properties.*
- (11) Fencing. A decorative fence six (6) feet in height from finished grade shall be provided on all property lines that do not abut a street, alley or parking area, with the exception that a fence may not be required for a service station that is an integral part of a commercial, industrial or office center or where combined landscaping will be achieved with such adjacent properties. *The project site is surrounded by to public streets and US Highway 101. A six-foot tall chain*

*link fence covered with vines is proposed along the property line that abuts US Highway 101.*

(12) Operations and Storage.

- (a) Repair of vehicles is only permitted within an enclosed building. *The project is not proposing any vehicle repair operations.*
- (b) All servicing of vehicles other than minor servicing shall be conducted within an enclosed building. *The project is not proposing any vehicle repair operations.*
- (c) All materials, products and merchandise shall be stored and displayed only within an enclosed building. *A condition of approval (B.3) has been added to require that all displays of materials, products, and merchandise must occur within the building.*
- (d) No used or discarded automotive parts or equipment or visible junk or wrecked vehicles shall be located or stored outside the service station building. *The project is not proposing any vehicle repair operations. All car wash detailing supplies and equipment will be stored within the building or enclosures after hours of operation.*
- (e) Trash shall be stored in areas screened from public view by a fence with a minimum height of six (6) feet. Trash shall not be stored or piled above the height of the fence. *The project has proposed a trash enclosure within the footprint of the main building.*

- (13) Fire Department Approval. Prior to the issuance of any building permit for a service station or any portion thereof, the Fire Department shall review the plans and approve said plans if they comply with applicable Fire Department ordinances and regulations. *The City's Fire Department has reviewed the proposed project and determined that the project will comply with all applicable Fire Department ordinances and regulations.*

## **B. GENERAL PLAN CONSISTENCY**

### **1. LAND USE ELEMENT**

The property has a land use designation of Commercial/Medium-High Density Residential. This land use designation generally applies to commercial neighborhood serving centers historically located within residential areas.

The General Plan designation of Commercial/Medium High Density would allow a range of between 12-27 du/acre for future residential or mixed-use development. The zoning designation for properties along Coast Village Road is C-1, Limited Commercial, which allows commercial and residential uses.

Many of the businesses existing in the area of the project provide easy access to goods and services and help to improve the livability and sustainability of the area.

a. LG2: Limit Non-Residential Development

With the adoption of Plan SB, the overall non-residential development potential will be limited to 1.35 million net new sf until 2030. In order to implement the policy change, the development plan ordinance must be revised. Once the Development Plan Ordinance is amended, the total new square footage will be allocated among Vacant Property, Small Additions, and Community Benefit Development Categories. Projects that are approved, pending, receive minor additions, government buildings and replacement of existing square footage would be exempt from the 1.35 million sf.

Until implementing ordinances are adopted and become effective, projects must comply with SBMC §28.87.300, and are allowed to propose up to 3,000 sf of additional non-residential square footage on any commercially zoned lot. The 3,000 sf is made up of 1,000 sf from the Minor Additions category and 2,000 sf from the Small Additions category. The property has not had any previous additions proposed under §28.87.300, which became effective in 1989; and therefore, the property has its full allowance of 3,000 sf of new non-residential development potential.

**2. ENVIRONMENTAL RESOURCES ELEMENT**

The project will use non-potable well water for the car wash and landscaping. The extraction of water for the non-potable well will require a permit for completion of the well that is subject to a number of requirements, which are outlined in a letter from the Water Resources Manager (Exhibit F). The car wash water will be recycled as described in section VI.C.2. of this staff report and is consistent with the GP Policy PS6 which states that water conservation shall be both encourage and required, as appropriate for all projects. The project's potable water needs will be supplied by the Montecito Water District and is consistent with the objectives of GP Policy PS7, which states that the City should work with other jurisdictions and water purveyors to assure long-term water reliability. The expansion of the mini-market use will eliminate the service station's garage and therefore will eliminate the hazardous materials that would be stored and discarded in association with a commercial garage

**C. LOCAL COASTAL PLAN CONSISTENCY**

Staff has reviewed the project for consistency with all applicable Local Coastal Plan Policies. The goals and policies relevant to the project development are attached as Exhibit E. The project does not block views to or from the ocean or mountains, screens parking facilities from view from Highway 101, and pedestrian circulation has been addressed to be consistent with the City's Pedestrian Master Plan and applicable Local Coastal Plan policies.

**1. GAS STATION WITH MINI-MARKET AND CARWASH**

The property is developed with an automobile service station with a small retail area. The proposed project will convert the auto repair bays to a mini-market use and includes a car wash/auto detailing service. The use is similar to other automobile

stations within the City. The development is one-story in height and parking for the project is screened by a fence with plantings as viewed from Highway 101.

Policy 3.3 states that "New development proposals within the coastal zone which could generate new recreational users (residents or visitors) shall provide adequate off-street parking to serve the present and future needs of the development." A modification has been requested to reduce the required parking from 18 spaces to 10 spaces as described in Sections VI.1.b. and VI.2.b.(7). The parking demand study prepared by ATE states that the site has adequate parking to meet the demand of the site.

## **2. NEW NON-POTABLE PRODUCTION WATER WELL.**

The applicant permitted an exploratory well under PBW2010-00981 pursuant to the requirements of SBMC §14.32 and subject to conditions outlined in a letter dated August 6, 2010 (Exhibit F) from the City's Water Resource Supervisor. The letter states that the well is exploratory only, and outlines several conditions to permit the well as a production well, which include but are not limited to the requirements that the well be metered, the owner read the meter annually and report the usage within 30 days of the reading, and that the well must be in compliance with all applicable provisions of the Water Well Standards as published by the California Department of Water Resources, Southern District, except as otherwise approved by the Public Works Director.

A Summary of well completion was prepared by Michael F. Hoover dated September 17, 2010, which stated that the well was capable of producing at least 30 gallons per minute (gpm) could be developed on the site, yielding approximately 43,200 gallons per day. As a result of the investigation, the applicant is proposing to permit the conversion of the exploratory well to a production well for non-potable water to be used as the principal source of water for the new car wash and landscape irrigation. A remedial action completion certification letter was issued by County Fire Department in May 2011. Staff requested that the applicant confirm that there was no concern with the use of the well water for non-potable uses due to the proximity to the previous remediation. Tom Rejzek of County Fire Department stated that the sanitary seal for the new well should be placed at 83 feet below grade to prevent the migration of the previously impacted first groundwater aquifer into the lower aquifer.

Further assessment of the effects of the new production well on other wells in the vicinity was analyzed by Adam Simmons, Flowers & Associates, and the County Fire Department LUFT Program (see Water Well Analysis attached as Exhibit G). Mr. Simmons' letter states that the estimated demand of 5,000 gallons per day at a discharge rate of 3.5 gpm is well below the well's capability. Furthermore, the closest known production well is 350 feet from the new well, and the new well should not cause a substantial degradation of the water quality for other wells in the area. Flowers & Associates, Inc prepared a letter dated December 7, 2011 which further explained the use of well water, and the operations of the car wash units including discharge and recycling of water. The car wash system is projected to average 100 cars/day at a rate of 127 gallons per car, of which 30 gallons of the water would be new water from the well, 97 gallons would come from the recycled water storage tank, and 25 gallons

would be required to be discharged after being processed through clarifiers to the sewer. An average of 3,250 gallons of well water would be used on site per day for the landscaping and car wash uses. Approximately 2,500 gallons per day would be discharged to the sewer. Staff has reviewed the impacts to the City's sewer system and determined that there is adequate capacity for the development's discharge.

The existing automobile service station use is and will remain served by Montecito Water District (MWD). The project has been reviewed by MWD, and a Certificate of Water Availability (Exhibit H) has been issued stating that the maximum quantity of water available for the site of 1.1 acre-feet per year will be available for the proposed service station with mini-market.

The California Code of Regulations Section §13253(b)(3) states that a project proposing to expand or construct a water well requires a Coastal Development Permit. Staff has reviewed the City's Local Coastal Plan and determined that although there are no policies guiding the decision makers with respect to water wells, the well does not interfere with Coastal Access or processes and is consistent with the Local Coastal Plan and the Coastal Act.

## **VII. ENVIRONMENTAL REVIEW**

The Environmental Analyst has determined that the project is categorically exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 (New Small Structures).

## **VIII. DESIGN REVIEW**

This project was reviewed by the Architectural Board of Review (ABR) on November 14, 2011 (meeting minutes are attached as Exhibit I). The ABR found the site planning, massing and landscaping acceptable and looked forward to refinements in the project design and materials.

## **IX. MONTECITO PLANNING COMMISSION**

The project was reviewed by the Montecito Planning Commission on February 22, 2012. The Montecito Planning Commission (MPC) had the following comments: 1) The MPC expressed concerns with adequacy of parking and circulation. Specifically, the project parking should not impact on-street parking. Employees should be required to park onsite, on-street parking should be left available for business customers, and the project parking and/or circulation should not impact circulation on the public street; 2) Consideration should be given to impacts on proposed project created by 101 in Motion projects proposed changes to Hermosillo off ramp; and 3) The signage should be considerate of and reflective of neighboring community.

## **X. FINDINGS**

The Planning Commission finds the following:

### **A. FRONT SETBACK MODIFICATION (SBMC §28.92.110)**

As discussed in Section VI.1.a. of this staff report, the requested front setback modification for the two pay point kiosks to be located in the front setback off of Coast Village Circle is consistent with the purposes and intent of the Zoning Ordinance and is necessary to allow the driver to pay for the car wash without exiting the vehicle.



**B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act, as described in Section VI.C. of the Staff Report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, as described in Section VI. of the Staff Report.

**C. CONDITIONAL USE PERMIT (SBMC §28.94.020)**

The Planning Commission approves a Conditional Use Permit to allow an automobile repair business at 401 Old Coast Highway as provided in Section 28.94.030 making the following findings:

1. The project is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan because it provides for desirable updated amenities of a mini-market and car wash to visitors (residents and tourists) at a service station that has existed in this location since 1948 and is consistent with the use outlined in the land use element of the General Plan, as described in Is VI.B. and VI.C. of the staff report.
2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved. The proposed use has been operating as a service station for 64 years at the current location with the complaints received being focused on signage violations and not the land use impacts on adjacent neighbors.
3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development, that significant detrimental impact on surrounding properties is avoided, because the development observes the required setbacks with the exception of the legally non-conforming air/water dispenser and the proposed pay point kiosks the project conforms to all required setbacks. The proposed use is in keeping with the pattern of development and the desire for neighborhood shopping areas described in Sections VI.B. and VI.C. of the staff report.
4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time because the project provides sufficient access to the property for ingress and egress and the on-site parking meets the required parking demand for the use, as discussed in Sections VI.1.b. and VI.2.b.(7). of the staff report.
5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area as determined by the ABR, and discussed in Section VIII. above.
6. The project meets the required conditions, standards and limitations of the CUP, as outlined in SBMC § 28.94.030.V., and as discussed in Section VII. of the staff report..

**D. CONDITIONAL USE PERMIT FINDINGS SPECIFIC TO AUTOMOBILE SERVICE STATION STANDARDS AND LIMITATIONS SBMC§28.94.030(V):**

The Planning Commission finds that the automobile service station meets the conditions, standards, and limitations as specified in SBMC§28.94.030.V. as discussed in Section VI.2.b. of the staff report.

**Exhibits:**

- A. Conditions of Approval
- B. Site Plan and Elevations
- C. Applicant's letter, dated February 6, 2012
- D. ATE Traffic Report dated June 27, 2011
- E. Applicable Local Coastal Plan Policies
- F. Water Resources Manager letter dated August 6, 2010
- G. Water Well Analysis (Adam Simmons, Flowers & Associates, and the County Fire Department LUFT Program)
- H. MWD Certificate of Water Availability dated June 24, 2011
- I. ABR Minutes

## PLANNING COMMISSION DRAFT CONDITIONS OF APPROVAL

1085 COAST VILLAGE ROAD  
MODIFICATIONS, CONDITIONAL USE PERMITS AND COASTAL DEVELOPMENT PERMIT  
MARCH 15, 2012

- I. In consideration of the project approval granted by the Planning Commission / Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:
- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Obtain all required design review approvals.
  2. Pay Land Development Team Recovery Fee.
  3. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition G "Construction Implementation Requirements."
  4. Record any required documents (see Recorded Conditions Agreement section).
  5. Permits.
    - a. Apply for and obtain a Building Permit (BLD) for construction of approved development.
    - b. Apply for and obtain a Public Works Permit (PBW) for all required public improvements.
    - c. Apply for and obtain a Public Works Permit (PBW) for the private water well.
- Details on implementation of these steps are provided throughout the conditions of approval.
- B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Planning Commission on March 15, 2012 is limited to a 2,580 square foot service station with attached 1,667 square foot car wash tunnel, and 135 square foot equipment storage enclosure and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
  2. **Car Wash and Well Production.** In the event that the water well ceases to produce adequate water supply for the nonpotable water uses (e.g. car wash and landscaping), the owner will be required to provide evidence to the City that an

alternate water source can be provided. If the necessary approvals and/or permits cannot be provided for an alternate water source the car wash and auto detailing operations must cease to operate.

3. **Exterior Displays.** All materials, products and merchandise shall be stored and displayed only within an enclosed building.
4. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
5. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
6. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
7. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
8. **BMP Training.** Training on the implementation of Best Management Practices (BMPs) shall be provided to every employee by the property owner/management in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
9. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.

- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Tree Relocation.** The existing Jacaranda tree shall be relocated within the public right-of-way and shall be fenced and protected during construction.
    - a. **During Construction.**
      - (1) All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
      - (2) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
      - (3) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
      - (4) No heavy equipment, storage of materials or parking shall take place under the dripline of any tree(s).
  2. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas, solar panels and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the ABR.
  3. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
  4. **Lighting.** Any perimeter flood lighting shall be hooded or shielded so that no direct beams fall upon adjacent residential property. Indirect soft lights and low garden lights shall be used wherever possible, and shall be required as necessary to assure compatibility with adjacent and surrounding properties.
- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**

- a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition E.1.f and g. "Coast Village Road and Coast Village Circle Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed an *Agreement to Construct and Install Improvements (Not a Subdivision)*, or has been issued a Public Works Permit concurrently with the Building plans.
- b. **Well Permit.** Applicant shall apply to the Public Works Counter to have the exploratory well converted to a production well under a new permit, subject to the requirements outlined in the August 6, 2010 letter prepared by the Water Resources Manager and payment of related sewer buy-in fee. The safety seal shall be placed at 83 feet below grade.
- c. **Dedication(s).** Dedicate Easements, as shown on the approved site plan and described as follows, subject to approval of the easement scope and location by the Public Works Department:
  - (1) An easement for all street purposes along Coast Village Road in order to establish an additional four-foot wide public right-of-way at the back of the existing westerly driveway as shown on the approved public improvement plans.
- d. **Can and Will Serve Letters.** Obtain a "can and will serve" letter from Montecito Water District.
- e. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The Owner shall submit a hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual. The proposed bio-filter shall be

placed on private property for filtering runoff before it discharges to the public rights-of-way.

- f. **Coast Village Road Public Improvements.** The Owner shall submit public improvement plans for construction of improvements along the property frontage on Coast Village Road directly to the Public Works counter. As determined by the Public Works Department, the improvements shall include to City standards, the following: Relocate (E) MTD bus stop, construct (N) City standard bus pad, construct one (N) commercial driveway apron modified to meet Title 24 requirements with a maximum width of 30-feet, construct +/- forty (40) LF sidewalk behind (N) commercial driveway, construct +/- forty-three (43) LF of sidewalk at the back of the most westerly (E) driveway approach to widen the (E) sidewalk, saw-cut and replace any damaged curb and gutter subject to determination by Public Works Inspector, slurry seal a minimum of 20 feet beyond the limits of all trenching (if any), protect and relocate existing contractor stamps to parkway (if any), relocate the newspaper racks adjacent to the planter and closer to the proposed building, (N) 4-inch sewer lateral connected to City sewer main, relocate or adjust the existing stop sign at the exit of the on-street parking lane with Coast Village Road. Any work in the public right-of-way requires a Public Works Permit.
- g. **Coast Village Circle Public Improvements.** The Owner shall submit public improvement plans directly to the Public Works counter for construction of improvements along the property frontage on Coast Village Circle. As determined by the Public Works Department, the improvements shall include to City standards, the following: Construct one (N) commercial driveway apron modified to meet Title 24 requirements with a maximum width of 20-feet, construct +/- twenty-two (22) LF sidewalk behind (N) commercial driveway, relocate the MTD bus stop, construct (N) Type B or A470 Curb Drain Outlet, connect to City sewermain with (N) 4-inch sewer lateral, and connect to Montecito Water main. Any work in the public right-of-way requires a Public Works Permit.
- h. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.
- i. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed *Agreement to Construct and Install Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the Agreement.
- j. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the

construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
- c. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

---

Property Owner

Date

---

Contractor

Date

License No.

---

Architect

Date

License No.

---

Engineer

Date

License No.

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if



it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be carefully salvaged and delivered to the City Corporation Annex Yard on Yanonali Street.
3. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

4. No construction work or construction staging is to take place within the City's right of way in commercial areas during the holiday season, from the Monday prior to Thanksgiving through and including New Year's Day.
  - a. No new permits may be issued for work in these areas during this period, except for emergency reasons that are approved by the City Engineer.
  - b. All Public Works projects in the specified areas, with an existing Public Works Permit, must be halted until AFTER the New Year.
  - c. No permits for dumpsters or other traffic obstructions may be issued for this period. Permitted construction staging must be removed from the City right of way during the holiday season.

COMPLIANCE IS MANDATORY. Please ensure that all appropriate employees are aware of this policy.

5. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
6. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

- F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
  1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to

the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, including utility service undergrounding and installation of street trees and street lights, shall be completed.

G. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
  - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission / Staff Hearing Officer.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These

commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

**NOTICE OF APPROVAL TIME LIMITS:**

The Planning Commission action approving the Modifications shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

**NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):**

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the

land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.



## **City of Santa Barbara California**

Exhibit B: The site plan and elevations for 1085 Coast Village Road have been distributed separately.

A copy of the plans is available for viewing at the Planning and Zoning Counter, 630 Garden Street, Santa Barbara, CA between the hours of 8:30 A.M and 4:30 P.M. Monday through Thursday, and every other Friday. Please check our website under City Calendar to verify closure dates.

February 6, 2012

Planning Commission  
City of Santa Barbara  
630 Garden Street  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

**RE: DART / Planning Commission Resubmittal for 1085 Coast Village Road  
MST2010-00026**

Members of the Commission:

My clients, Bob and Linda Uellner, are interested in expanding the operations of their existing Chevron service station at 1085 Coast Village Road to include a drive through car wash, hand detailing operation, and an expanded convenience store.

The proposal involves renovating the existing 2,317 net sq.ft. (2,376 sq. ft. per 1971 Building Permit) service station structure by removing 344 net sq.ft. from the rear and adding 607 net sq.ft. to the front of the current building, as well as constructing a new car wash tunnel of 1,667 net sq.ft., and an equipment enclosure of 135 net sq. ft. Site improvements will include revisions to the driveway entrances, construction of an access drive to the car wash enclosure, providing 10 parking spaces, relocating the propane tank, and constructing a trellis shade structure to cover 2 additional parking spaces for the auto detailing operation. There will also be a water well to provide a nonpotable source for the car wash and landscape irrigation.

This project was submitted for a PRT review last year by Ahmad Ghaderi of A&S Engineering and assigned MST2010-00026. This past Spring, the project was initially submitted for a DART review.

**Discretionary Approvals Being Requested:**

1. Design Review: request review by the Architectural Board of Review of the additional commercial development along with architectural and site improvements per SBMC §22.68.040A.
2. Conditional Use Permit: requesting a CUP for the conversion of an existing automobile service station to an automobile service station with mini-market per SBMC §28.94.030V.
3. Conditional Use Permit: requesting a CUP in order to expand the existing service station to include a car wash, auto detailing operation, and propane sales in C-1 Zone District per SBMC §28.94.030Q.
4. Coastal Development Permit: requesting a Coastal Development Permit for the proposed development including structures, site improvements and well per SBMC §28.44.060

5. Parking Modification: requesting a modification to allow for (10) parking spaces to meet the parking demand rather than the (18) required per SBMC §28.92.110.A.1.
6. Setback Modification: requesting an encroachment into the front yard setback requirement to accommodate for the car wash “pay-point” stations per SBMC §28.92.110.B.1.

#### **Existing Service Station:**

The existing service station consists of a 2,317 sq.ft. structure currently used for retail sales and a hand car wash operation, and a canopy with two service islands and a total of eight vehicle fueling stations. Current site conditions include 19,683 sq.ft. of paving/parking area; 2,705 sq.ft. of landscape; and a building with a 2,416 sq.ft. footprint.

#### **Project Description:**

Improvements to the existing service station include renovations to the existing building, a new automated car wash, a covered equipment area, a covered shade structure, plus enhancements to the site amenities and services. There will be 607 net sq. ft. of new space added to the front and west end of the existing 2,317 net sq.ft. structure. There will also be 344 sq.ft. of space removed from the rear of the existing structure in order to accommodate the construction of the new car wash structure, which will be 1,667 net sq.ft. In addition there will be a 135 net sq. ft. equipment enclosure, and a trellis shade structure over the 2 car auto detailing area.

The car wash structure is open at both ends with no doors or windows that would allow it to be enclosed space. Therefore, City policy as demonstrated in multiple precedent projects, is to not include the area of the car wash structure towards the allowable commercial square footage allocation as permitted by Measure “E.” The covered equipment area is also unenclosed by definition. The net increase of the Commercial square footage would therefore be 263 square feet, which is well under the 1,000 square foot allowance for minor additions and not subject to the Development Plan requirement.

Other changes to the site include adding a new trellis shade structure for the hand detailing operation; relocating the propane tank; adding a new access driveway to the covered car wash; and providing 12 parking spaces, including 1 handicapped accessible space.

The gas station and retail market will be open 24 hours a days due to its adjacency to the highway. The new automated car wash will operate during standard daytime business hours. Car wash customers will remain in their cars and pay at an automated “pay-point”. An attendant will be at the entrance of the car wash tunnel to help guide the cars onto the tracks. The car wash tunnel length has been sized to allow adequate drying time for the cars, which will not require any additional hand drying by attendants. Most of the water used in the car wash operation will be recovered, filtered, and reused on site per City requirements. The remaining water will be treated then discharged into the sanitary sewer system. Self serve vacuuming stations are not being proposed. The car detailing services would be done at the west end of the property.

Site improvements will include adding a new on-site driveway for the car wash entrance, and enlarged landscaped areas. Current trees in the front yard setback will remain; however, we are proposing to replace the Jacaranda tree in the front parkway with a new Jacaranda tree in a



location closer to the street corner, in order to relocate the center driveway. Proposed site conditions contain 15,929 sq.ft. of paving/parking area, 3,388 sq.ft of landscape, and 4,695 sq.ft. of building footprint.

This site has undergone cleanup operations under the supervision of the Santa Barbara County Fire Department (SBCFD) and the California Regional Water Quality Board. Test results have confirmed that the cleanup has been successful.

The current historical water allocation from the Montecito Water District will be sufficient for providing water for the proposed retail building. Water for the automated car wash and site irrigation requirements will be provided by a water well located on the property.

#### **Modifications:**

**Parking:** A reduction in the required parking from 18 to 10 spaces is being requested. Half of the 18 required spaces are for the customers of the retail store, but the overwhelming majority of these customers park in the 8 spaces at the pump islands, which aren't included in the 10 spaces provided. Associated Traffic Engineers has provided a Parking Demand Study that supports the proposed design.

**Front Yard Setback:** A modification has been requested to permit the installation of two "Pay-Point" pedestals in the front yard setback along Coast Village Circle. In the proposed design, one pedestal will be installed along the access drive leading to the car wash, surrounded by landscaping. A second future pedestal location along the drive would be permitted in the event that high usage of the car wash warranted it.

#### **DART Responses:**

##### **A. Planning Division**

1. County of Santa Barbara Fire Department, Hazardous Materials Division
  - a. Santa Barbara County Fire issued a "Remedial Action Completion Certification" letter on May 10, 2011. This letter confirmed the completion of the remediation operations. A copy of this letter has been attached.
  - b. Following the DART meeting, Tom Rejzek was asked to review the data on the site in regards to the potential impacts of the underground contamination on the proposed nonpotable water well. In his email to Vern Williams of Flowers Associates, dated May 24, 2011 he confirmed that the depth of the proposed well would be acceptable. A copy of this email has been attached.
2. Coast Development Permit: Nonpotable Water Well
  - a. Please refer to the letter by Vern Williams of Flowers & Associates, dated December 5, 2011. Per Vern's letter, the water in the underground storage tanks "should see daily turnover and the water is continuously circulated through an ozone disinfection system." The proposed water well will have an underground water storage tank sized to meet the water demand. This constant process of replenishment and dilution will prevent the accumulation of stagnant water. This water will then be mixed with water reclaimed from the car wash and purified in underground 3 basin clarifier tanks.
  - b. Please refer to the letter by Vern Williams of Flowers & Associates, dated December 5, 2011. The reclaimed water will be discharged to three compartment clarifier

tanks. The sediment settles to the bottom of the clarifier then the water gets cleaned as it passes thru each compartment. Using equipment currently deployed in similar facilities  $\approx 75\%$  of the water can be reclaimed for washing cars. The remaining 25% will be discharged to the sewer system as it is displaced by new inflows. Per Vern's letter, this will amount to "approximately 25 gallons per car washed or approximately 2500 gallons per day." Sediments in the clarifier tank will be pumped out once a year by the operator and hauled away as nonhazardous waste.

- c. DesignARC has reviewed County Health & MWD records to identify known well locations within 1200 feet of the project site. Adam Simmons, our project hydrologist, has noted in his attached letter that "the new well will not cause undesirable interference with any nearby water wells or lower their production capacity."
- d. Tom Rejzek confirmed in his email dated May 24, 2011 that the proposed depth of the well would be acceptable and not pose a risk of contamination due to the presence of known underground contaminants. This position was further supported by Adam Simmons letter.
- e. Same answer as 2c.
- f. Per the well report prepared by Michael Hoover and submitted to Bill Ferguson on September 17, 2010, the "well produced 50 gallons per minute (gpm)" during field testing. In his conclusions, Michael Hoover wrote the well is "capable of pumping at least 30 gallons per minute (gpm) on an extended basis, yielding approximately 43,200 gallons per day. Adam Simmons has confirmed that the well will be adequate to meet the needs of the proposed project and that "the new well will not cause undesirable interference with any nearby water wells or lower their production capacity."
- g. Please refer to the letter by Vern Williams of Flowers & Associates, dated December 5, 2011. It is anticipated that the car wash will serve up to 100 cars per day based on the area of service. At a projected rate of 30 gallons per car (the additional 5 gallons lost to spillage), this would create a demand of approximately 3,000 gallons per day, significantly less than the production capacity of the well.
- h. The applicant requests that the requirement for detailed plans illustrating the potable and non-potable water lines be made a condition of approval that will be provided in the Construction Documents phase of the project and submitted to the City for review prior to issuance of a Building Permit.

Follow up Questions:

1. The water discharged from the car wash will be run through the clarification tanks and an ozone disinfection system before being discharged into the sewer system as noted in Vern Williams letter.
  2. The unused car wash water will be discharged to the sanitary sewer system as noted in Vern Williams letter.
  3. The unused car wash water will be discharged continuously at a rate of approximately 2500 gallons per day as noted in Vern Williams letter.
3. Car Wash Conditional Use Permit:
- In addition to the indoor activities previously documented, the project proposed will include the following outdoor uses.
- Existing air/water station to remain in the current location.
  - Existing propane tank for propane sales to be relocated to a new location at the SW corner of the property.
  - Current auto detailing operation to be reduced in scope (due to the automated car wash) and relocated to the new 2 car covered shade trellis. Customers in the current operation typically drop their cars off and coordinate with the manager in the store.

Employees move the cars as needed. For customers who chose to wait, 3 small "café" tables have been provided in front of the market. Detailing services include waxing, clay barring, interior cleaning, and wheel cleaning.

4. **Parking:**

The Site Plan has been revised per the City's comments regarding the inclusion of the auto detailing spaces in the parking spaces provided. In the revised design there are only 2 spaces allocated for the auto detailing operation, and these have not been included in the total parking count. The revised site plan therefore provides 10 designated parking spaces. This reduced number has been supported by a parking study provided by ATE. A copy of this report has been attached.

5. **DART Responses**

The responses to the DART comments have been reincorporated into this resubmittal letter.

6. **Design Changes:**

The site and building design have been modified to reflect comments from the DART review and the ABR meeting. Notable changes to the site include the reduction of the shade trellis from 3 to 2 cars; and more landscape area in the western portions of the site. The entry tower is no longer rotated which has resulted in some minor changes to the building area. The equipment yard in the rear of the building has now been covered with a roof, but the perimeter is wrapped with a open fence. The tabulations and project description have been updated to reflect the revised area figures.

**B. Engineering Division**

1. **Certificate of Water Availability:**

The Montecito Water District issued a Certificate of Water Availability on June 30, 2011. A copy of this document has been attached.

**C. Environmental Services**

1. **Trash Enclosure:**

The building design has been modified to provide enough space in the trash room to accommodate separate 4 yard bins for trash and recycling. The doors have also been modified in order to make one door ADA accessible.

**D. Fire Department**

1. **Fire Sprinklers:**

A note regarding the requirement for a required sprinkler system added to the Project Statistics on sheet A1, and to the Code Analysis on sheet A2.

**E. Building & Safety Division**

1. **Code Analysis:**

1. The applicable codes have been changed to the 2010 versions.
2. The Code Analysis submitted was incomplete. The errors noted have been corrected, and information deleted where the analysis has not been completed.

**Project Statistics:**

Owner: Bob & Linda Uellner

Property Info:

Address: 1085 Coast Village Road Santa Barbara, CA 93108

APN: 009-281-003

Zone: C-1 Limited Commercial / S-D-3 Coastal Overlay Zone

Site Breakdown Comparative Table:

	Existing	Proposed
Lot Size	24,983 sq.ft.	24,983 sq.ft.
Building Footprint	2,416 sq.ft. (9.7 %)	4,695 sq.ft. (18.2 %)
Surface Parking/Paving	19,863 sq.ft. (79.5 %)	15,929 sq.ft. (63.8 %)
Flatwork	N/A	971 sq.ft. (3.9 %)
Landscape	2,704 sq.ft. (10.8 %)	3,388 sq.ft. (13.5 %)

Parking Breakdown:

	Required	Proposed
Retail (2,304 sq.ft. @ 1space / 250 sq.ft.)	9 spaces	
Car Wash	4 spaces	
5 Employees (@1 space/ person)	5 spaces	
Total	18 spaces	10 spaces (incl. 1 H.C.)


Building Areas:

	Net	Gross
(E) Structure	2,317 sq. ft.	2,416 sq. ft.
(E) to be demolished	344 sq. ft.	361 sq. ft.
(E) to remain	1,973 sq. ft.	2,055 sq. ft.

(N) Retail / Trash / Equipment	607 sq. ft.	651 sq. ft.
Total Retail / Trash / Equipment	2,580 sq. ft.	2,706 sq. ft.
(N) Car Wash	1,667 sq. ft.	1,854 sq. ft.
(N) Covered Equipment	135 sq. ft.	135 sq. ft.
Total	4,382 sq. ft.	4,695 sq. ft.

Please feel free to give me a call should you have any questions regarding this project.

Sincerely,



Kevin Dumaïn AIA

DesignARC Inc.



## **ASSOCIATED TRANSPORTATION ENGINEERS**

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418 • FAX (805) 682-8509

Since 1978

Richard L. Pool, P.E.  
Scott A. Schell, AICP, PTP

June 27, 2011

10040L03.wpd

Robert and Linda Uellner  
1085 Coast Village Road  
Santa Barbara, CA 93108

### **PARKING STUDY FOR THE COAST VILLAGE ROAD CHEVRON SERVICE STATION PROJECT - CITY OF SANTA BARBARA**

Associated Transportation Engineers (ATE) has prepared the following parking study for the Coast Village Road Chevron Service Station Project, located in the City of Santa Barbara. The study reviews the City of Santa Barbara Zoning Ordinance parking requirements for the project and evaluates the adequacy of the proposed parking supply based on the anticipated parking demands. The updated study also addresses comments issued by the City's DART team.

#### **Project Description**

The project is proposing to modify a portion of the existing Chevron Service Station building, located at 1085 Coast Village Road, in order to expand the existing convenience market area to 2,304 square feet (SF) and to add a new automated car wash facility. A limited auto detailing operation would also be housed on-site. The site currently contains 4 fueling islands with 8 fueling stations. The existing fueling islands and canopy would remain in their current location. The existing propane gas tank would be relocated to the western area of the site as part of the project.

Access to the site would continue to be provided via the two existing driveways on Coast Village Road. The existing driveway on Coast Village Circle would be relocated to the north. The project is proposing to provide 10 parking spaces on site for the gas station and convenience market and an additional 2 spaces reserved for the auto detailing operations (12 spaces total). The project site plan is shown on Figure 1 (attached).

**City of Santa Barbara Zoning Ordinance Parking Requirements**

The City of Santa Barbara Zoning Ordinance parking requirements for the project are outlined below. For the gas station/mini-market component of the project, the Zoning Ordinance requires a minimum of 5 parking spaces or 1 space per every 250 SF of mini-market space and 1 space for every employee, whichever is greater. For the carwash component, the Zoning Ordinance requires 4 spaces for each washer unit. The Zoning Ordinance parking requirements for the project are presented in Table 1.

**Table 1**  
**City of Santa Barbara Zoning Ordinance Parking Requirements**

Land-Use	Size	Parking Rate	Spaces Required
Retail (Mini-Market)	2,304 SF	1 space/250 SF	9 Spaces
Car Wash/Auto Detailing	1 Washer Unit	4 spaces/Unit	4 Spaces
Employees (a)	5 employees	1 space/employee	5 Spaces
<b>Total</b>			<b>18 Spaces</b>

(a) Assumes peak on-site employees. On site employees would be lower at other times of the day and evening.

The data presented in Table 1 show that the Zoning Ordinance parking requirement for the project is 18 spaces. The proposed parking supply of 10 spaces for the gas station/convenience market and 2 spaces for the auto detailing does not meet the City's requirements for the project, thus a modification to the Zoning Ordinance requirements will be required.

**Parking Operations**

In order to evaluate the adequacy of the proposed parking supply, ATE reviewed data collected at similar gas station facilities with mini-marts. The data collected at these locations indicate that the majority of mini-mart customers (up to 90%) come directly from the gas pumps and do not park in the on-site spaces.<sup>1</sup> The 8 fueling stations would therefore serve as an additional 8 parking spaces for the convenience market, for a total effective parking supply of 18 spaces, which would meet the ordinance requirement.

The City's Zoning Ordinance requires that 4 spaces be provided for the car wash. This requirement is based on a self-service type of carwash operation where the car is first washed in a stall and is then moved to a drying and vacuuming station. The proposed car wash will

<sup>1</sup> Traffic Fee Appeal Information For The Arco Mini-Market Remodel Project, ATE, April 1989.

be a fully automated drive-through facility with an automatic dryer and will not contain vacuum stations. Customers of the carwash would therefore not park on site. The limited auto-detailing operation that is housed on-site would require 1 to 2 spaces to accommodate peak demands. As previously noted, the project proposes to provide two spaces to accommodate the parking demands associated with the auto detailing operation.

Given that the majority of convenience market customers would park at the pumps, the automated carwash would not generate on-site parking demands, and that adequate parking is provided for the auto detailing operations, the 10 parking spaces provided for the gas station/convenience market and 2 spaces for the auto detailing would accommodate the operational parking requirements of the project.

### ITE Parking Demand Analysis

The Institute of Transportation Engineers (ITE) Parking Generation Report<sup>2</sup> was recently updated with new parking demand data for Service Stations with convenience markets (attached for reference). It is noted that the ITE rates do not account for carwash facilities. Based on the operational data discussed above, the automated carwash would not generate on-site parking demands, and the parking demands for the auto detailing service would be accommodated by the 2 dedicated spaces. The peak parking demand for the project assuming the ITE rates is presented in Table 2.

**Table 2**  
**Peak Parking Demand**

Land Use	Size	Peak Demand Rate	Peak Demand
Gas Station w/ Convenience Market	8 Fueling Stations	0.75 Spaces/Fueling Station (a)	6 Spaces
Auto Detailing Service (b)	2 Vehicles	1 space/Vehicle	2 Spaces
<b>Total Demand</b>			<b>8 Spaces</b>

(a) Demand based on average rate derived from ITE *Parking Generation*.

(b) Based on operational data provided by applicant.

The data presented in Table 2 show that the peak parking demand for the convenience market is 6 spaces and the demand for the auto detailing is 2 spaces. The proposed parking supply of 10 spaces for the gas station/convenience market and 2 spaces for the auto detailing would adequately accommodate the parking demands of the project assuming the ITE parking rates.

<sup>2</sup> Parking Generation, Institute of Transportation Engineers, 4<sup>th</sup> Edition, 2010.



Based on the information provided above, the proposed parking supply of 10 spaces for the gas station/convenience market, 2 spaces for the auto detailing service, and the additional 8 parking spaces provided at the fueling stations would satisfy the parking demands generated by the project.

This concludes our parking study for the Coast Village Road Chevron Service Station Project.

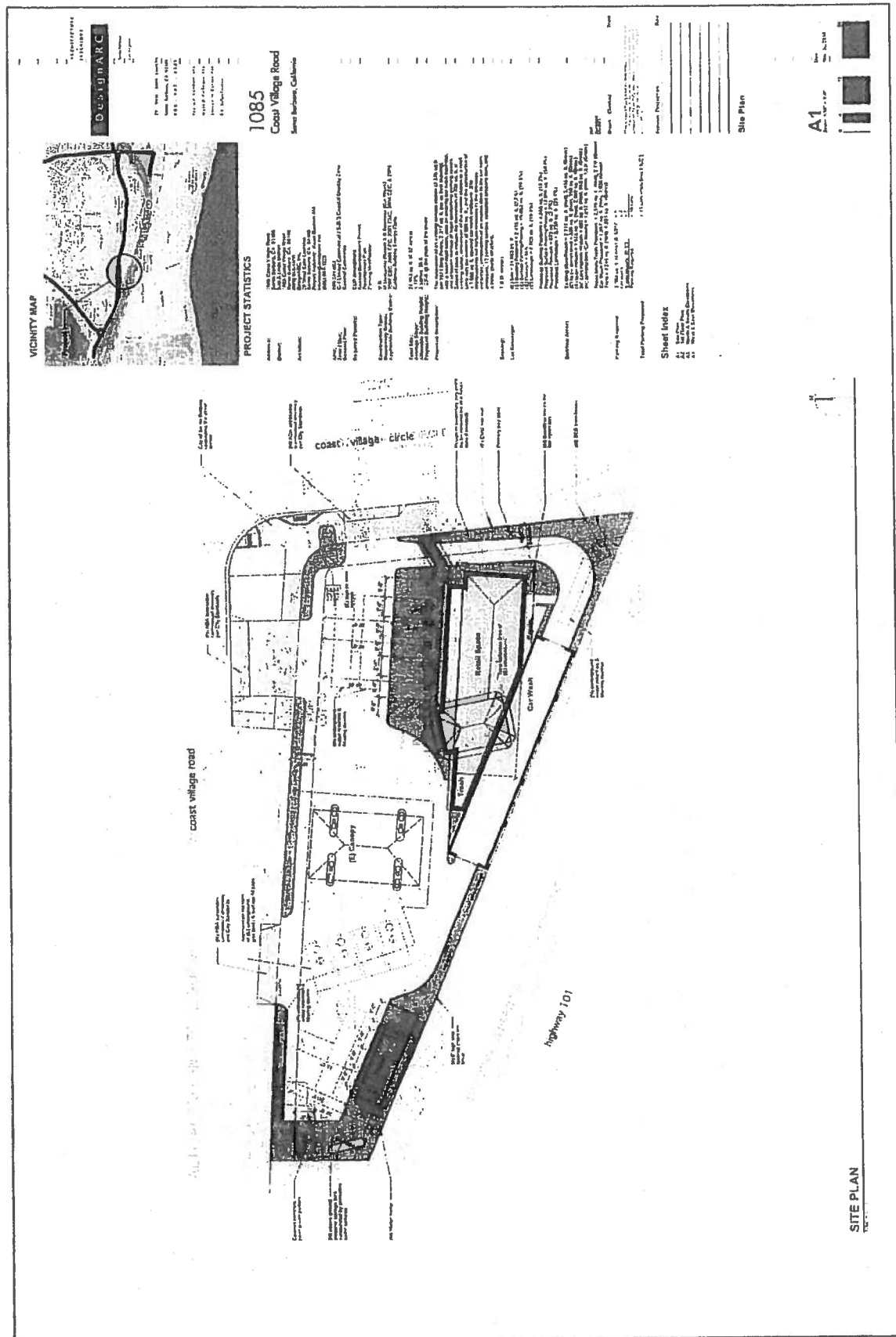
Associated Transportation Engineers

A handwritten signature in black ink, appearing to read 'Scott A. Schell', is written over the printed name.

Scott A. Schell, AICP, PTP  
Principal Transportation Planner

SAS/MMF

Attachments:      Figure 1 - Project Site Plan  
                             ITE Parking Demand Data

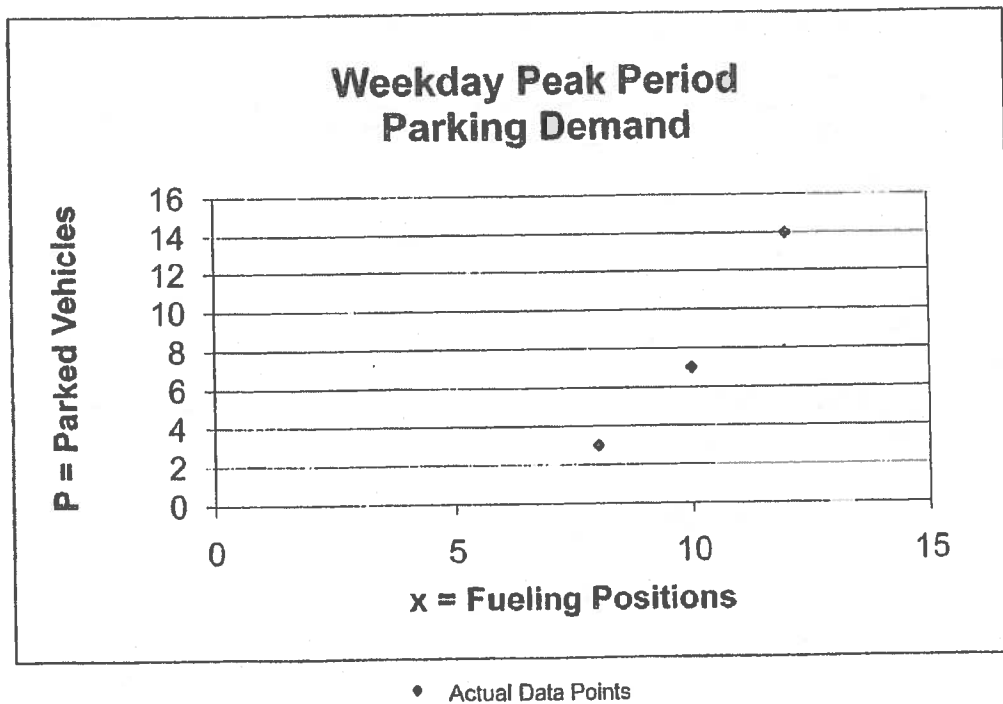


# Land Use: 945

## Gasoline/Service Station with Convenience Market

Average Peak Period Parking Demand vs. Fueling Positions  
On a: Weekday

Statistic	Peak Period Demand
Peak Period	7:00–9:00 a.m.; 4:00–6:00 p.m.
Number of Study Sites	3
Average Size of Study Sites	10 fueling positions
Average Peak Period Parking Demand	0.75 vehicles per fueling position
Standard Deviation	0.40
Coefficient of Variation	53%
Range	0.38–1.17 vehicles per fueling position
85th Percentile	1.03 vehicles per fueling position
33rd Percentile	0.59 vehicles per fueling position



## **APPLICABLE LOCAL COASTAL PLAN POLICIES**

Policy 1.1 The City adopts the policies of the Coastal Act (Public Resources Code Sections 30210 through 30263) as the guiding policies of the land use plan.

Policy 1.2 Where policies within the land use plan overlap, the policy which is the most protective of resources, i.e. land, water, air, etc., shall take precedence.

Policy 1.3 Where there are conflicts between the policies set forth in the land use plan and those set forth in any other element of the City's existing General Plan or existing regulations, the policies of the land use plan take precedence.

Policy 3.3 New development proposals within the coastal zone which could generate new recreational users (residents or visitors) shall provide adequate off-street parking to serve the present and future needs of the development.

Policy 3.4 New development in the coastal zone which may result in significant increased recreational demand and associated circulation impacts shall provide mitigation measures as a condition of development including, if appropriate, provision of bikeways and bike facilities, pedestrian walkways, people mover systems, in lieu fees for more comprehensive circulation projects or other appropriate means of compensation

Policy 6.1 The city, through ordinance, resolutions, and development controls, shall protect, preserve, and, where feasible, restore the biotic communities designated in the City's Conservation Element of the General Plan and any future annexations to the City, consistent with PRC Section 30240.

Policy 6.2 The City will support and encourage the enforcement of all laws enacted for the purposes of preserving and protecting marine resources, maintaining optimum populations of marine organisms and maintaining the quality of the marine environment for the protection of human health.

Policy 9.1 The existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. This may be accomplished by one or more of the following:

- (1) Acquisition of land for parks and open space;
- (2) Requiring view easements or corridors in new developments;
- (3) Specific development restrictions such as additional height limits, building orientation, and setback requirements for new development;
- (4) Developing a system to evaluate view impairment of new development in the review process.

Policy 9.3 All new development in the coastal zone shall provide underground utilities and the undergrounding of existing overhead utilities shall be considered high priority.

Policy 9.5 All parking facilities shall be screened from public view in a method suggested in the City's Scenic Highways Element of the General Plan.

Policy 9.8 The City shall seek to preserve the unique scenic and aesthetic quality of Highway 101.

## **EXHIBIT E**

**Policy 9.9** The City shall seek to protect views of the mountains and ocean from Highway 101 by minimizing view interruption by highway structures. The City shall also seek to minimize view interruption or blockage by the highway from surrounding public areas including roads, parks, and other open spaces.

**Policy 9.10** The City shall work with the County, Caltrans, and the Santa Barbara County Association of Governments (SBCAG) to achieve common goals and interests with regard to community concerns and the design of new highway improvements and landscaping.

**Policy 9.16** The use of sound barriers shall be minimized to the extent feasible. Sound barriers shall be placed in a manner which protects views of the ocean and mountains from Highway 101 and frontage streets where feasible. Where critical views may be impacted, alternatives to barriers (such as soundproofing structures or new sound control technologies) should be considered. Where sound barriers are necessary to reduce highway noise impacts to adjacent land uses, the barriers shall be attractively designed in a consistent manner that is compatible with the surrounding neighborhoods. Landscaping sufficient to fully screen the barrier shall be provided in a timely manner along both sides of the barrier where feasible.

**Policy 9.18** The amount of lighting provided along the highway shall be the minimum necessary for general safety. Lights shall be designed and placed in a manner that minimizes glare as seen from nearby residences and recreational areas.

**Policy 11.6** The City shall locate and develop new public and private parking in larger, multi-use facilities wherever feasible in order to minimize street access points, reduce peak parking space requirements, and improve facility control.

**Policy 11.9** The City shall investigate the posting of time limits or the imposition of parking fees for on-street parking in order to:

- Generate revenues to pay for local transportation related programs; and
- Divert drivers into peripheral parking facilities or alternative transportation modes.

**Policy 11.11** The City shall encourage ride-sharing and car-pooling as a means of minimizing traffic demands in the waterfront.

**Policy 11.12** The City shall, if feasible, implement the development of a shuttle bus system in the waterfront area as an alternative means of transportation.

**Policy 11.13** The City shall cooperate with the Metropolitan Transit District in improving bus service to the waterfront area and coordinate this service with any future shuttle-bus program.

**Policy 11.15** Pedestrian movement and safety should be encouraged and provided for throughout the area.

**Policy 11.16** In order to encourage walking as an alternative to travel by automobile, the City shall protect existing pedestrian access to coastal areas from areas north of Highway 101 and strongly encourage the development of new pedestrian accessways.

Policy 11.17 The Highway 101 pedestrian undercrossing at Butterfly Lane shall be retained and if feasible, the utility and appearance of the undercrossing enhanced by provision of clearer signage, improved accessibility, and additional landscaping.

Policy 11.18 Where feasible, proposed improvements to Highway 101 shall include provisions for functional pedestrian access. The location of pedestrian access should be carefully considered in order to provide a functional, accessible, and comfortable path of travel. Sidewalks and walkways shall be wide enough to comfortably accommodate at least two persons walking side-by-side (a minimum of 4 feet), shall include shade and resting areas, and shall provide adequate protection from nearby automobile and bicycle traffic. Provision of new pedestrian access in the area of Milpas Street from Santa Barbara's East Side to East Beach and the Santa Barbara Zoo shall be the highest priority.



# City of Santa Barbara

## Public Works Department

[www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov)

August 6, 2010

### Main Office

630 Garden Street  
P.O. Box 1990  
Santa Barbara, CA  
93102-1990

### Administration

Tel: 805.564.5377  
Fax: 805.897.2613

### Engineering

Tel: 805.564.5363  
Fax: 805.564.5467

### Facilities

Tel: 805.564.5415  
Fax: 805.897.2577

### Street Maintenance

Tel: 805.564.5413  
Fax: 805.897.1991

### Transportation

Tel: 805.564.5385  
Fax: 805.564.5467

### Water Resources

Tel: 805.564.5387  
Fax: 805.897.2613

Michael F. Hoover, R.G.  
P.O. Box 30860  
Santa Barbara, CA 93130

**SUBJECT: Well Permit Conditions – 1085 Coast Village Road  
(#PBW 2010-00981)**

Dear Mr. Hoover:

This letter establishes supplemental conditions related to issuance of a City Public Works Permit (#PBW 2010-000981) for construction of an exploratory extraction well at 1085 Coast Village Road. The following conditions apply:

1. **The well is permitted as an exploratory well only.** Upon completion of construction and test pumping, owner shall apply for a follow-up permit to either abandon the well or finish off the well facility in accordance with all applicable codes and regulations.
2. In addition to other applicable codes, the well shall be constructed in compliance with all applicable provisions of the Water Well Standards as published by the California Department of Water Resources, Southern District, except as otherwise approved in writing by the Public Works Director (Director).
3. Owner shall provide the City inspector with 24 hours prior notice of well sealing operations.
4. The annular cement seal shall be installed to a minimum depth of 50 feet below ground surface.
5. The well shall be permanently equipped with a meter which is plumbed so as to measure all water taken from the well.
6. The owner shall be required to annually read said meter and report such reading to the Director within 30 days of the reading. Owner may defer such readings until notified by the Director in writing that readings are to commence.
7. Water extracted from the well is limited to beneficial uses on the property upon which the well is located.
8. Prior to permit issuance, owner shall post a deposit or security bonds with the Director in the amount of \$10,000 for performance and \$10,000 for labor and materials, in accordance with Public Works Department procedures, to be returned upon satisfactory completion of the well.
9. Prior to start of construction the owner shall obtain City approval of a plan for the construction and testing of the well, such plan to address staging area, scheduling of work, sound control, traffic

**EXHIBIT F**

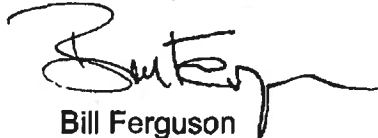
control, temporary power arrangements, control of discharge, and other relevant issues.

10. Inspection may be performed by the licensed professional that designed and the exploratory well and stamped the plans. The licensed professional shall prepare and submit "as-built" plans of the well as completed, along with a written summary of drilling operations.

Please feel free to contact me at (805) 654-5571 if you have any questions.

Thank you for your assistance.

Sincerely,



Bill Ferguson  
Water Resources Supervisor

BF/bf

cc: Chris Hansen, Building Inspection Plan Check Supervisor  
David Shoemaker, Senior Engineering Technician





December 2, 2011

City of Santa Barbara  
Planning Division  
P. O. Box 1990  
Santa Barbara, California 93102

Attn: Ms. Suzanne Riegle

Re: *Hydro-Geologic Review -- New Water Well*  
1085 Coast Village Road  
Santa Barbara, California

RECEIVED  
DEC 08 2011

CITY OF SANTA BARBARA  
PLANNING DIVISION

Dear Ms. Riegle:

Pursuant to your request, I have reviewed the comments from the City of Santa Barbara staff (MST2010-00026) Letter dated, April 21, 2011) with regards to the recently completed water well located on the above described property. I have also reviewed the numerous documents and letters pertaining to the location, design, testing and water quality of the water well (i.e. Hoover Well Completion Report prepared for the Property; September 17, 2010). The responses to the comments by the City staff are outlined below.

The 6-inch-diameter, 210 foot deep, PVC-cased water well was drilled in the southwestern corner of the above described property, north of Highway 101. It is my understanding that the well was drilled in order to provide non-potable water for the proposed car wash and possible light landscape irrigation. The Well was drilled by Filipponi & Thompson Drilling Co. and completed on September 10, 2010 by the placement of the 64-foot-deep sanitary seal. The well appears to have penetrated the Older Alluvium and Casitas Formation. The well is reportedly capable of producing at least 30 gallons per minute (gpm) for extended periods of time.

The estimated water demand from the well is 5,000 gallons per day, based on the projected number of car washes and proposed light landscaping. This well production capacity is equivalent to average flow rate of approximately 3.5 gallons per minute, well below the projected long term capability of the well at 30 gpm. Given the proposed water production demand for the new water well and the known capacities (roughly 30 to 50 gpm) for the nearby existing water wells in the area, it is my opinion that the new well will not cause undesirable interference with any nearby water wells or lower their production capacity. The closest known production well is located approximately 350 feet from the new well. Likewise, continued use of the water well should not cause substantial degradation of the water quality for other wells in the area.

Please contact my office if there any questions or additional information is required.

Sincerely,

---

Mr. Adam Simmons  
Certified Engineering Geologist & Hydrogeologist  
State of California PG #6234 EG #2015 HG #509

Robert T. Flowers  
RCE 18324  
Stephen G. Flowers  
RCE 26192  
Vernon E. Williams  
RCE 33690  
Eric L. Flavell  
RCE 33090  
Alan H. Chierici

**FLOWERS & ASSOCIATES, INC.**  
C I V I L E N G I N E E R S

201 NORTH CALLE CESAR CHAVEZ, SUITE 100, SANTA BARBARA, CA 93103

PHONE: 805.966.2224 • FAX: 805.965.3372

[www.flowersassoc.com](http://www.flowersassoc.com)

W. O. 1072

December 7, 2011

City of Santa Barbara  
Planning Division  
P. O. Box 1990  
Santa Barbara, California 93102

Attn: Ms. Suzanne Riegle

Subject: 1085 Coast Village Road, Santa Barbara, California  
MST2010-00026, APN 009-281-003

Dear Ms. Riegle:

We have been asked to provide input on responses to the DART Comments letter dated April 21, 2011 for the subject project. Specifically the following items in Paragraph "A. Planning Division" under "Section V. Additional information Required for Application Completeness. All car wash system information is from the proposed system supplier and the projected usage rate of 100 cars/day.

2a. How long will water be stored in each underground storage tank?

Based on the projected car wash system usage and irrigation needs from the landscape architect the average daily demand for well water is estimated at 3250 gallons which means the water in the proposed 6000 gallon well water storage tank should turn over every other day. The proposed car wash system buried tanks (2 @ 3000 gallons) should see daily turnover and water through the clarifiers (3 @ 1500 gallons) is continuously circulated through an ozone disinfection system.

2b. How often will the recycled water be discharged and where will it be discharged?

The car wash system design indicates that the unused portion of the recycled water is discharged to the sanitary sewer system at the rate of approximately 25 gallons per car washed or approximately 2500 gallons per day.

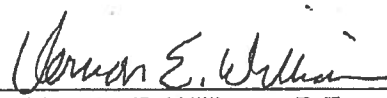
2g. Provide detailed information regarding how much water the proposed car wash and detailing use will require.

Page 2  
December 7, 2011  
W.O. 1072

The car wash system design indicates that approximately 127 gallons of water is used for each car washed with most of that being recycled water resulting in new water usage of approximately 30 gallons of water per car washed. Again, the projected usage rate is 100 cars/day. Our understanding is that the detailing process does not use water.

Please contact the understanding with any questions or comments on this information.

Sincerely,  
FLOWERS & ASSOCIATES, INC.

By:   
Vernon E. Williams, P.E.,  
Vice-President

VW/vw

Cc: Linda Uellner via E-mail  
Kevin Dumain, DesignARC via E-mail



## Fire Department

*"Serving the community since 1926"*

### HEADQUARTERS

4410 Cathedral Oaks Road  
Santa Barbara, CA 93110-1042  
(805) 681-5500 FAX: (805) 681-5563

Michael W. Dyer  
Fire Chief  
County Fire Warden

Christian J. Hahn  
Deputy Fire Chief

### REMEDIAL ACTION COMPLETION CERTIFICATION

May 10, 2011

Mr. Rick O. Rittenberg  
Chevron EMC  
6111 Bollinger Canyon Road  
San Ramon, CA 94583

Ms. Linda Uellner  
Janda Partners LP  
P.O. Box 61106  
Santa Barbara, CA 93160

SUBJECT: LUFT # 502291  
Chevron Service Station #9-1572  
1085 Coast Village Road, Santa Barbara, California

Dear Mr. Rittenberg & Ms. Uellner:

This letter confirms the completion of a site investigation and corrective action for the underground storage tank formerly located at the above-described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the former underground storage tank are greatly appreciated.

Based on information in the above-referenced file and with the provision that the information provided to this agency was accurate and representative of site conditions, this agency finds that the site investigation and corrective action carried out at your underground storage tank site is in compliance with the requirements of subdivisions (a) and (b) of Section 25296.10 of the Health and Safety Code and with corrective action regulations adopted pursuant to Section 25299.3 of the Health and Safety Code and that no further action related to the petroleum release(s) at the site is required.

This notice is issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code.

Please contact our office if you have any questions regarding this matter.

Sincerely,

Michael W. Dyer  
Fire Chief

Completion Certification 502291

pc: Mr. Allan Patton, UST Cleanup Fund Manager  
Mr. Mark Fahan, Holguin, Fahan, & Associates

**Subject: RE: 1085 Coast Village Road**

**Date:** Tuesday, May 24, 2011 8:01 AM

**From:** Rejzek, Tom <Tom.Rejzek@sbcfire.com>

**To:** 'Vern Williams' <vwilliams@flowersassoc.com>

**Cc:** Linda Uellner <lsuellner@gmail.com>, Kevin Dumain <kdumain@designarc.net>, Bruce Bartlett <bbartlett@designarc.net>, Douglas Fell <dfell@fmam.com>, Bendy White <harwood@harwoodwhite.com>, Suzanne Riegle <SRiegle@SantaBarbaraCA.gov>

**Conversation:** 1085 Coast Village Road

vern-

this email confirms our conversation on thursday, may 19 regarding the production well located at 1085 cost village road in santa barbara. based upon fpd's understanding of the hydrogeology at the site, it is our belief that extending the sanitary seal to a depth of 83 feet below grade will likely migration of the the previously impacted first groundwater into the lower aquifer. static water level in this production well (~64 feet bgs) is lower than the water level of the first water (~40 feet bgs), suggesting that the two aquifers have been successfully isolated from each other by the sanitary seal. fpd has no objection in using this well for the car wash and landscape irrigation water supply. feel free to contact me if you have any additional questions.

tom rejzek  
professional geologist #6461  
certified hydrogeologist #601  
santa barbara county luft program  
805-686-8176

---

**From:** Vern Williams [mailto:vwilliams@flowersassoc.com]

**Sent:** Thursday, May 19, 2011 10:31 AM

**To:** Rejzek, Tom

**Cc:** Linda Uellner; Kevin Dumain; Bruce Bartlett; Douglas Fell; Bendy White; Suzanne Riegle

**Subject:** 1085 Coast Village Road

Hi Tom,

Thanks for your time this morning.

Please confirm your statement that you have no concerns with the 83' depth of the concrete seal on the existing well to be used for car-wash and landscape irrigation water supply for this project.

I have attached a copy of Mike Hoover's report on the well completion for your files as discussed.

--

Vern

Vernon E. Williams, P.E.

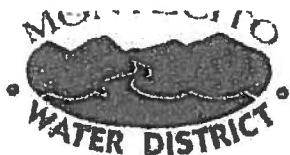
Flowers & Associates, Inc.

201 North Calle Cesar Chavez, Suite 100

Santa Barbara, CA 93103

Phone (805)966-2224

This e-mail message and any attachments are a confidential communication between Flowers & Associates, Inc. and the intended recipient. Dissemination, distribution or copying of this message or attachments without proper authorization is strictly prohibited. If you are not the intended recipient, please notify Flowers & Associates, Inc. immediately by telephone or by e-mail, permanently delete the original, and destroy all copies of this message and all attachments.



**MONTECITO WATER DISTRICT  
CERTIFICATE OF WATER SERVICE AVAILABILITY**

To the City of Santa Barbara Planning & Development Department:

Montecito Water District has received the following application for water service availability:

Date of Application	06/24/11
City Project Application No.	MST2010-00026
Name of Applicant	Linda Uellner
MWD Account Holder	Coast Village, Inc.
MWD Account No.:	40-0425-02
Service address	1085 Coast Village Road
Assessor's Parcel Number(s) to be served	009-281-003
Brief Project description	An addition of approximately 260 sq. ft. to the existing gas station food mart and the building of a new 1,668 sq. ft. tunnel car wash facility.

**Board of Directors**

President  
Samuel Fryo

Vice President  
W. Douglas Morgan

Jan E. Abel  
Darlene Bierig  
Richard Shaikewitz

General Manager  
and Secretary

Thomas R. Mosby

Having reviewed the City of Santa Barbara application number MST2010-00026 for the proposed project and verification from the property owner that all non-potable water uses for the project will be provided by a new, recently developed water well, and having considered the District's available water supply the District hereby notifies your office that the District can and will serve the subject property in accordance with Montecito Water District Ordinance 89 and the following limitations:

1. Maximum Available Quantity of water shall be 1.1 acre-feet per year, which is the historical average usage for the period of July 2003 through June 2006.
2. Service to be provided through an existing 1 ½ inch water service.
3. Property owner agrees to install the following facilities in connection with the proposed project:
  - A private non-potable water system, meeting all applicable building and plumbing codes utilizing the newly developed water well dedicated for the property non-potable water uses, including the proposed tunnel car wash.
  - Installation of an MWD approved backflow device at the District water meter in accordance with MWD Construction Standard 117.
4. Applicant shall be responsible for the following fees, payable immediately upon issuance of this Certificate: **None**
5. Applicant must provide the following additional documents for District records: Building permit sign off from the City of Santa Barbara or a letter from the project engineer/architect of record indicating non-potable water system has been installed, meeting all applicable codes and able to service the property non-potable water use(s).

583 San Ysidro Road  
Santa Barbara, CA  
93108-2124

Ph 805.969.2271  
Fax 805.969.7261

This is recycled paper.  
Each ton of recycled paper  
saves 7,000 gallons of water.


Website: [montecitowater.com](http://montecitowater.com)  
http://www.montecitowater.com

Acct No. 40-0425-02

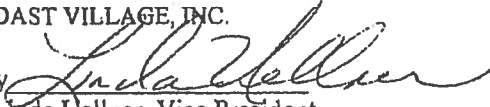
6. Applicant agrees to install state-of-the-art water-saving technologies for all new potable water and to use no more water than is authorized under this Certificate. Applicant acknowledges that the District may increase the rate for all water delivered in excess of the property's Maximum Available Quantity and/or limit service to the property to no more than the Maximum Available Quantity, but the District shall provide at all times a supply of water sufficient to meet the health and safety needs of the property's occupants.
7. The Maximum Available Quantity of water has been determined pursuant to District Ordinance 89. Ordinance 89 provides that, under certain circumstances, a property owner may request a redetermination of the Maximum Availability Quantity. Should such a redetermination result in an increase in the Maximum Available Quantity, the District will issue an Amended Certificate.
8. This Certificate represents a determination of water availability as of the date of the Application. The District's provision of water shall be contingent upon the property owner's completion of all obligations to the District associated with the Project identified herein and shall remain subject, at all times, to the District's ordinances and requirements.

Dated June 30, 2011

MONTECITO WATER DISTRICT

By   
Tom Mosby, General Manager

COAST VILLAGE, INC.

By   
Linda Uellner, Vice President





ARCHITECTURAL BOARD OF REVIEW  
CASE SUMMARY

1085 COAST VILLAGE RD

MST2010-00026

C-ADDITIONS

Page: 1

**Project Description:**

Proposal for extensive exterior alterations to the existing service station including converting an existing lube bay and snack shop to a foodmart and constructing a new car wash structure. The project includes demolition of 344 square feet of the existing 2,317 square foot building on the south side to allow the addition of the car wash structure, the addition of 607 square feet of retail space on the north side for a total of 2,580 square feet of retail use. The unenclosed car wash "tunnel" structure is 1,667 square feet and 135 square feet for mechanical equipment, for a total combined development of 4,382 square feet on the 24,983 square foot site. A 510 square foot trellis will be located on the west side of the lot for car detailing. An existing driveway on Coast Village Road will be relocated further west. The existing gas pumps will remain. Planning Commission review is requested for an amendment to the Conditional Use Permit, a Coastal Development Permit, a zoning modification to allow an automated pay kiosk in the required front setback along Coast Village Circle, and a zoning modification to provide fewer than the required number of parking spaces.

**Activities:**

11/14/2011

***ABR-Concept Review (Continued)***

*(Second concept review; comments only; project requires environmental assessment and Planning Commission review of an amendment to the Conditional Use Permit, a Coastal Development Permit and zoning modifications. The project was last reviewed on July 25, 2011.)*

*Actual time: 3:14*

*Present: Kevin Dumain, Designarc, Architect; Erin Carroll, Arcadia Studio, Landscape Architect; Linda and Bob Uellner, Owners.*

*Public comment was opened at 3:26 p.m.*

*As no one wished to speak, public comment was closed.*

*Motion: Continued to Planning Commission with the following positive comments:*

- 1) Site planning, massing, landscaping are fine.*
- 2) Provide details about the roof tile material.*
- 3) Consider adding faux corbel at the column supports to the existing canopy.*
- 4) Study the landscaping at the fence along highway 101 for breaking up of the horizontal line of the fence.*

**Activities:**

5) *Provide building details to show design style.*

*Action: Zink/Sherry, 4/0/0. Motion carried. (Mosel/Rivera absent)*

**11/7/2011*****ABR-Resubmittal Received*****7/25/2011*****ABR-Mailed Notice Prepared*****7/25/2011*****ABR-Concept Review (New) - PH***

*(Comments only; project requires environmental assessment and Planning Commission review of an amendment to the Conditional Use Permit, a Coastal Development Permit, a modification for a front setback encroachment, and a modification for the number of parking spaces.)*

*Actual time: 4:27*

*Present: Kevin Dumain, Architect; Erin Carroll, Landscape Architect.*

*Public comment was opened at 4:43 p.m. As no one wished to speak, public comment was closed.*

*Motion: Continued indefinitely to the Full Board with the following comments:*

- 1) The site planning and revisions to parking entries from the street are acceptable.*
- 2) Provide as much landscape as possible. Screen the propane tanks.*
- 3) Provide photographs from the Highway 101 and off ramp and from across Highway 101 toward the site. Provide aerial photographs of the site.*
- 4) Study the architecture and massing as they relate to each other and to the canopy for a cohesive style.*
- 5) The requested zoning modifications are acceptable and pose no negative aesthetic impact. The additional parking is a benefit to the project.*
- 6) Study the feasibility of moving the jacaranda tree at the relocated driveway.*
- 7) Provide a landscape plan with low water use requirements.*

*Action: Aurell/Sherry, 5/0/0. Motion carried. (Rivera stepped down. Mosel absent)*

*The meeting adjourned at 5:13 p.m.*

**7/10/2011*****ABR-Resubmittal Received***

**Activities:**

**10/4/2010                      *ABR-Concept Review (New) - PH***

*(Comments only; project requires Environmental Assessment and Planning Commission review of a Coastal Development Permit and a Conditional Use Permit.)*

*Postponed indefinitely at the applicant's request.*

**10/4/2010                      *ABR-Mailed Notice Prepared***

**9/13/2010                      *ABR-Resubmittal Received***

*Three sets for first ABR review. Peter Lawson is aware of this PRT project that has been revised.*

**9/13/2010                      *ABR-Posting Sign Issued***

*Posting sign issued and affidavit received.*

## EXCERPTS FROM SIGN REGULATIONS (SBMC §22.70) RELATED TO DIGITAL DISPLAYS

### **SBMC §22.70.020 Definitions.**

L. **DIGITAL DISPLAY.** A sign that displays still images, scrolling images, or moving images, including video or animation, through a series of grid lights, including cathode ray, light emitting diode display, liquid crystal display, plasma screen, fiber optic, or other electronic media or technology, where the display can be changed through electronic means. The definition of digital display does not include time and temperature signs or electronic signs placed in the right-of-way that function as traffic control devices.

QQ. **SIGN.** Any form of visual communication including any physical object, projection of light, digital display, or open flame (with or without lettering, a symbol, logo) used to announce, declare, demonstrate, display, or otherwise present a message to or attract the attention of the public. A sign may include a commercial or noncommercial sign. A sign includes all parts, portions, units and materials used in constructing the sign, together with the illumination, frame, background, structure, support and anchorage thereof. A mural is not a sign.

### **SBMC §22.70.030 Sign Regulations.**

B. **EXEMPT SIGNS.** The following signs shall be allowed without a sign permit and shall not be included in the determination of type, number, or area of signs allowed on a building or parcel:

26. Digital displays on gasoline pumps, provided the digital displays conform to all of the following standards:

- a. Each digital display shall not measure more than twenty-six (26) inches on the diagonal;
- b. Each digital display is integrated into the face of the gasoline pump and is not a stand-alone display;
- c. No more than one digital display is erected on each face of a gasoline pump.
- d. The luminance of each digital display shall not exceed 1500 nits;
- e. Any audio associated with a digital display shall not exceed 65 dB, measured at the nearest property line, between the hours of 7:00 a.m. and 10:00 p.m., and 55 dB, measured at the nearest property line, between the hours of 10:00 p.m. and 7:00 a.m.; and
- f. No digital display shall be installed within twenty-five (25) feet of any property zoned exclusively for residential use.

27. Digital displays on automated teller machines (ATMs), provided, (i) the digital display only displays the name of the financial institution that operates the ATM and the instructions for operating the ATM and (ii) the lettering does not exceed two inches in height.

C. **PROHIBITED SIGNS.** In addition to any sign not conforming to the provisions of this Chapter, the following signs are prohibited:

6. Signs that rotate, move, glare, flash, change, reflect, blink, or appear to do any of the foregoing, except time and temperature devices and digital displays otherwise exempted by this Chapter.

26. Unless otherwise exempted by this Chapter, digital displays, including any digital display inside a building that is attached to, leaning against, or otherwise placed within ten (10) feet of a window, door, or other opening in the façade of the building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls or parking lots available for public use.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** City Clerk's Office, Administrative Services Department

**SUBJECT:** Appointments To City Advisory Groups

### **RECOMMENDATION:**

That Council make appointments to the City's advisory groups.

### **DISCUSSION:**

Currently, there are 43 positions available for appointment to various City advisory groups, including positions on the newly established Santa Barbara Youth Council. On May 22, June 5, and June 12, 2012, the Council interviewed applicants for these positions.

The Santa Barbara Youth Council was established on March 27, 2012, per Resolution No. 12-012. As stated in the resolution, all applicants are required to appear for an interview before the Youth Council and the City Council in order to be eligible for appointment. The Youth Council held interviews on May 14, and May 21, 2012; the Youth Council's recommendations are included as Attachment 1.

The Guidelines for the City of Santa Barbara Advisory Groups, Resolution No. 06-092, states that applicants are required to appear for an interview before the City Council. The names of applicants failing to appear for an interview are removed from the list of persons eligible for appointment. Attachment 2 is a list of applicants eligible for appointment. With the exception of the public at-large position on the Housing Authority Commission, appointments to the advisory groups will be effective July 1, 2012. The appointment to public at-large position on the Housing Authority Commission will be effective on September 15, 2012.

**ATTACHMENTS:** 1) Recommendations from the Santa Barbara Youth Council, dated May 21, 2012  
2) List of Eligible Applicants

**PREPARED BY:** Gwen Peirce, City Clerk Services Manager

**SUBMITTED BY:** Marcelo A. López, Assistant City Administrator

**APPROVED BY:** City Administrator's Office



**City of Santa Barbara  
Parks and Recreation Department**

**Memorandum**

DATE: May 21, 2012

TO: Mayor and Councilmembers

VIA: City Clerk's Office

FROM: Santa Barbara Youth Council

SUBJECT: Recommendations for Appointments to the Santa Barbara Youth Council

On March 27, 2012, the City Council adopted Resolution No. 12-018 that formally established the Santa Barbara Youth Council as a City advisory body. As part of the Resolution, a two-step appointment process was created. During semi-annual recruitments, applicants for the Youth Council would initially be interviewed by current the Youth Council, and their recommendation forwarded to the City Council for consideration. The applicants would also be required to interview with the City Council, consistent with other City boards and commissions. The Resolution also stipulated that for this first year, current eligible 2012 Youth Council members would be allowed to automatically serve another year, with their term expiring June 30, 2013. There are 12 members that are eligible to remain as members, leaving three vacancies. Under the Resolution, the membership of the Youth Council was set at 15 members.

Interviews for 2013 Appointments

The Youth Council and staff made a concerted effort to recruit from area public, private, alternative, community and continuation high schools, independent studies, as well as through youth service agencies. The City Clerk's office received five applications for appointment to the Santa Barbara Youth Council. Of the five, there was one from a private high school (Bishop Garcia Diego), one from middle college (a high school student taking City College classes); and three from public high schools (one Santa Barbara High School, and two San Marcos High School). There were three juniors, and two sophomores.

Of the five applicants, four interviewed with the Santa Barbara Youth Council. The following are the Youth Council's recommendation for appointment to the Santa Barbara Youth Council:

1. Sami Soto – Bishop Diego Garcia High School
2. Amber Rowley – San Marcos High School
3. Naomi Zamudio - Santa Barbara High School

**ACCESS ADVISORY COMMITTEE**

- Two vacancies.
- Terms expire 12/31/2014.
- Residents of the City or a full-time employees of an entity doing business within the City who demonstrate an interest, experience, and commitment to issues pertaining to disability and access and who represent the public at large:
  - Two representatives from the Architectural/Engineering/Building Community.
- Appointees may not hold any full-time paid office or employment in City government.

<b>CATEGORY (Number of Vacancies)</b>	<b>APPLICANT</b>	<b>Incumbent Appt. Dates (Years Served)</b>	<b>Applicant's Preference (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>)</b>	<b>Notes</b>
<b><i>Architectural/ Engineering/Building Community (2)</i></b>	None			

## BUILDING AND FIRE CODE BOARD OF APPEALS

- Two vacancies.
- Open terms.
- Residents of the City or adjoining unincorporated areas of Santa Barbara County.
- Appointees shall demonstrate knowledge and expertise in specialty areas governed by the construction and fire codes of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Resident of the City or unincorporated area of Santa Barbara County (2)</i>	None			



## CENTRAL COAST COMMISSION FOR SENIOR CITIZENS

- One vacancy.
- Term expires 6/30/2013.
- Resident of the City.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Resident of the City (1)</i></b>	Brenda Collins Powell			Current Community Development & Human Services Committee Member; term expires 12/31/13.

## COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE

- Three vacancies.
- One term expires 12/31/2013; one term expires 12/31/2014; and one term expires 12/31/2015
- Residents or employees within the City but need not be qualified electors of the City.
- One representative from each:
  - Housing Interests
  - Human Services Agencies
  - Senior Community
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Housing Interests (1)</i></b>	Jacqueline Duran		1) Community Development & Human Services; 2) Rental Housing Mediation Task Force	
	Dale Fathe-Aazam			
	Steven B. Faulstich			
<b><i>Human Services Agencies (1)</i></b>	None			
<b><i>Senior Community (1)</i></b>	None			

## COMMUNITY EVENTS & FESTIVALS COMMITTEE

- Four vacancies.
- One term expires 12/31/2014; and three terms expire 12/31/2015.
  - Three representatives of the Business/Lodging/Retail Industry; and
  - One resident of the City who represents the public at large (one of whom shall not represent any specific group).
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Business/Lodging/ Retail Industry (3)</i></b>	Laura McIver			
<b><i>Public at Large (1)</i></b>	Rebekah Altman	12/19/06 (5 years, 6 months)		
	Robert W. Burnham		1) Transportation and Circulation Committee; 2) Community Events & Festivals	Current Access Advisory Committee Member; term expires 12/31/14
	Charles Huff		1) Community Events & Festivals; 2) Parks and Recreation Commission; 3) Neighborhood Advisory Committee	

## FIRE AND POLICE PENSION COMMISSION

- Three vacancies.
- One term expires 12/31/2012; one term expires 12/31/2013; and one term expires 12/31/2014.
- One active retired police officer who need not be a resident or qualified elector of the City; and
- Two qualified electors of the City who are not active firefighters or police officers for the City of Santa Barbara.

<b>CATEGORY (Number of Vacancies)</b>	<b>APPLICANT</b>	<b>Incumbent Appt. Dates (Years Served)</b>	<b>Applicant's Preference (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>)</b>	<b>Notes</b>
<b><i>Active/Retired Police Officer (1)</i></b>	None			
<b><i>Qualified Electors (2)</i></b>	Luis Esparza		1) Water Commission; 2) Measure P Committee; 3) Fire & Police Pension Commission	Current Measure P Committee Member; continuing to serve until a successor is appointed.

## HOUSING AUTHORITY COMMISSION

- Two vacancies.
- One term expires 6/30/2014 (appointment effective on 7/1/2012); and one term expires September 14, 2016 (appointment effective September 15, 2012).
- One appointee may be a non-City resident:
  - One representative of the public at large; and
  - One tenant who is receiving housing assistance from the Housing Authority of the City of Santa Barbara.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b>Public at Large (1)</b>	Sarah Maria Anthony			City
	Robert Burke			City Also eligible for the Tenant category. Current Rental Housing Mediation Task Force Member; term expires 12/31/14.
	Geoff Green	7/1/08 (4 years)		County
<b>Tenant (1)</b>	Mary Johnston	6/28/05, 7/11/06, 7/1/08, 6/29/10 (7 years)		City

## LIBRARY BOARD

- Two vacancies.
- Terms expire 12/31/2015.
- Qualified electors of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Electors (2)</i></b>	Jonathan R. Glasoe			
	Lucille Teresa Boss Ramirez			
	Christine Roberts	12/16/08 (3 years, 6 months)		
	Patricia E. Ruth			

## LIVING WAGE ADVISORY COMMITTEE

- Three vacancies.
- One term expires 6/30/2015; and two terms expire 6/30/2016
- One representative from each:
  - Employee of a local Santa Barbara area nonprofit entity;
  - Owner/Manager of a service contractor subject to the City's Living Wage Ordinance;
  - Santa Barbara Downtown Organization or Santa Barbara Chamber of Commerce Nominee
- Appointees may not hold any full-time paid office or employment in City government.

<b>CATEGORY (Number of Vacancies)</b>	<b>APPLICANT</b>	<b>Incumbent Appt. Dates (Years Served)</b>	<b>Applicant's Preference (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>)</b>	<b>Notes</b>
<b><i>Nonprofit Entity (1)</i></b>	None			
<b><i>Owner/Manager of a service contractor subject to the City's Living Wage Ordinance (1)</i></b>	None			
<b><i>Santa Barbara Downtown Organization <u>or</u> Santa Barbara Chamber of Commerce Nominee (1)</i></b>	None			

## MEASURE P COMMITTEE

- Six vacancies.
- Two terms expire 12/31/2012; One term expires 12/31/2013; two terms expire 12/31/2014; and one term expires 12/31/2015
- Two residents of the City; and one representative from each:
  - Civil Liberties Advocate
  - Criminal Defense Attorney
  - Drug abuse, treatment & prevention counselor
  - Medical Professional
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Civil Liberties Advocate (1)</i></b>	Luis Esparza	3/6/07 (5 years, 3 months)	1) Water Commission; 2) Measure P Committee; 3) Fire & Police Pension Commission	
<b><i>Criminal Defense Attorney (1)</i></b>	None			
<b><i>Drug abuse, treatment &amp; prevention counselor (1)</i></b>	None			
<b><i>Medical Professional (1)</i></b>	None			
<b><i>Residents of the City (2)</i></b>	None			



## MOSQUITO AND VECTOR MANAGEMENT DISTRICT BOARD

- One vacancy.
- Term expires 1/7/2013.
- Registered voter of the City of Santa Barbara or a member of the City Council.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Registered Voter of the City of Santa Barbara or a member of the City Council (1)</i>	None			

## NEIGHBORHOOD ADVISORY COUNCIL

- Two vacancies.
- One term expires 12/31/2014; and one term expires 12/31/2015
- Residents of the City who need not be qualified electors of the City:
- One resident of the City who represents the public at large; and
- One representative from any of the following neighborhoods:
  - West Downtown                      ➤ Eastside                      ➤ Lower Eastside
  - Laguna                                  ➤ Westside                      ➤ Lower Westside
- Appointees may not hold any full-time paid office or employment in City government.

**NOTE:** Applicants under the Neighborhood Representative category are also eligible for appointment to the Public at Large category.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Neighborhood Representative (1)</i></b>	Roane Akchurin			Westside Neighborhood
	Ed Cavazos			Westside Neighborhood
	Joseph A. Rution			Laguna Neighborhood

(Cont'd)

# NEIGHBORHOOD ADVISORY COUNCIL (CONT'D)

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Public at Large (1)</i></b>	Jacques Habra			
	Charles Huff		1) Community Events & Festivals; 2) Parks and Recreation Commission; 3) Neighborhood Advisory Committee	
	Mari G. Mender			

## PARKS AND RECREATION COMMISSION

- Two vacancies.
- Terms expire 12/31/2012.
- Qualified electors of the City.

**Note:** Council may appoint a youth member that is age 16 or 17 years, is a resident of the City and a citizen of the United States.

- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b>Qualified Electors of the City (2)</b>	Megan Alley (formerly Diaz)			Qualified Elector
	Christina Nicole Gonzalez			Qualified Elector
	Charles Huff		1) Community Events & Festivals; 2) Parks and Recreation Commission; 3) Neighborhood Advisory Committee	Qualified Elector
	Charmaine Curtis Jacobs			Qualified Elector

## RENTAL HOUSING MEDIATION TASK FORCE

- Three vacancies.
- One term expires 12/31/2012; and two terms expire 12/31/2015.
- Residents of the City or the County of Santa Barbara:
  - One homeowner
  - Two landlords

**Note:** Non-resident members must be owners of residential rental property within the City limits or affiliated with organizations concerned with landlord-tenant issues within the City limits.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b>Homeowner (1)</b>	None			
<b>Landlords (2)</b>	Silvio DiLoreto	6/28/05 & 12/18/07 (7 years)		County
	Jacqueline Duran		1) Community Development & Human Services; 2) Rental Housing Mediation Task Force	County
	Charles V. Eckert, III			County

## SANTA BARBARA YOUTH COUNCIL

- Three vacancies.
- Terms expire 6/30/2014.
- Members must be between the ages of 13 – 19 years. Members may be students attending any public, private, alternative or continuation high school, or independent studies.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Student Members (3)</i></b>	Rocio Pacheco Garcia			San Marcos High School
	Amber Rowley			San Marcos High School
	Sami Soto			Bishop Diego High School
	Naomi Zamudio			Santa Barbara High School

## SINGLE FAMILY DESIGN BOARD

- Two vacancies.
- One term expires 6/30/2015; and one term expires 6/30/2016
- Residents of the County of Santa Barbara:
  - One licensed landscape architect;
  - One person who possesses professional qualifications in fields related to architecture, including but not limited to, building design, structural design, structural engineering, industrial design, or landscape contracting.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Licensed Landscape Architect (1)</i></b>	Lisa James			City
	Jaime Pierce			County
<b><i>Professional Qualifications (1)</i></b>	None			City

## TRANSPORTATION AND CIRCULATION COMMITTEE

- One vacancy.
- Term expires 12/31/2014.
- Qualified elector of the City or the County of Santa Barbara.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b>Qualified Elector (1)</b>	Robert Burnham		1) Transportation and Circulation Committee; 2) Community Events & Festivals	Current Access Advisory Committee Member; term expires 12/31/14.
	Daniel Ramirez			Current Community Development & Human Services Committee Member; term expires 12/31/15.
	Kathleen Rodriguez			
	Jonathan H. Ziegler			



## WATER COMMISSION

- One vacancy.
- Term expires 12/31/2015.
- Qualified elector of the City.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b>Qualified Elector (1)</b>	Megan Birney			
	Gabe Dominocielo			Current Civil Service Commissioner and Living Wage Advisory Committee Member; terms expire 12/31/14 and 6/30/14, respectively.
	Luis Esparza		1) Water Commission; 2) Measure P Committee; 3) Fire & Police Pension Commission	Current Measure P Committee Member; continuing to serve until a successor is appointed.



Agenda Item No. \_\_\_\_\_

File Code No. **440.05**

# **CITY OF SANTA BARBARA**

## **COUNCIL AGENDA REPORT**

**AGENDA DATE:** June 26, 2012

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Conference With Labor Negotiator

**RECOMMENDATION:**

That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the City's General bargaining unit and the Police Management Association, and regarding discussions with certain unrepresented managers about salaries and fringe benefits.

**SCHEDULING:** Duration, 30 minutes; anytime

**REPORT:** None anticipated

**PREPARED BY:** Kristy Schmidt, Employee Relations Manager

**SUBMITTED BY:** Marcelo López, Assistant City Administrator

**APPROVED BY:** City Administrator's Office